

# STRENGTHENING TRANSITIONAL JUSTICE THROUGH ENGAGEMENT WITH RELIGIOUS AND FAITH-BASED ACTORS

An Assessment Toolkit



**GIJTR**

Global Initiative for Justice  
Truth & Reconciliation



International Coalition of  
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# ABOUT THIS TOOLKIT

This toolkit is the output of a project of the Global Initiative for Justice, Truth and Reconciliation (GIJTR) and is driven by the understanding that involving faith-based organizations in transitional justice processes requires a proper analysis of their role and potential contribution. While transitional justice processes have involved faith-based actors as key stakeholders, the extent to which they advance truth, justice and reconciliation goals and influence the success and legitimation of post-conflict reconstruction processes has seen limited study. This project seeks to examine how engagement with faith-based actors can strengthen transitional justice processes, in light of the varied roles that religious and faith-based actors (RFBAs) have played during periods of conflict and/or authoritarian rule.

This toolkit has been informed by a set of case studies covering key contexts in which RFBAs participated in formal or informal transitional justice processes that sought to understand the impact of their participation, or lack of it, on these processes. Contexts comprised Guatemala, Northern Ireland, South Africa, Sri Lanka, Tibet and Tunisia. Additional input was sought from academic and practice literature from a range of other relevant contexts and multicontext research studies.

The GIJTR Consortium piloted this assessment tool in Zimbabwe, where it identified and trained local civil society organization (CSO) partners to contextualize and implement a locally relevant assessment tool. The Consortium hosted a workshop with Zimbabwean CSO partners and participating communities to analyze the collected data of the pilot assessment, share feedback and recommendations on the tool, and generate criteria and guidelines for practitioners seeking how and to what degree they should engage RFBAs in formal or informal roles of a transitional justice process. To put the pilot assessment findings into action, the Consortium provided subgrant funding to local CSO partners that work with RFBAs on transitional justice issues, to implement programming that targets areas of need identified in the assessment as well as to raise awareness and/or enhance the participation of RFBAs in transitional justice initiatives. This process permitted further developments of some elements of the toolkit and additions of themes that had been absent and that emerged from the direct experience of practitioners working with it.

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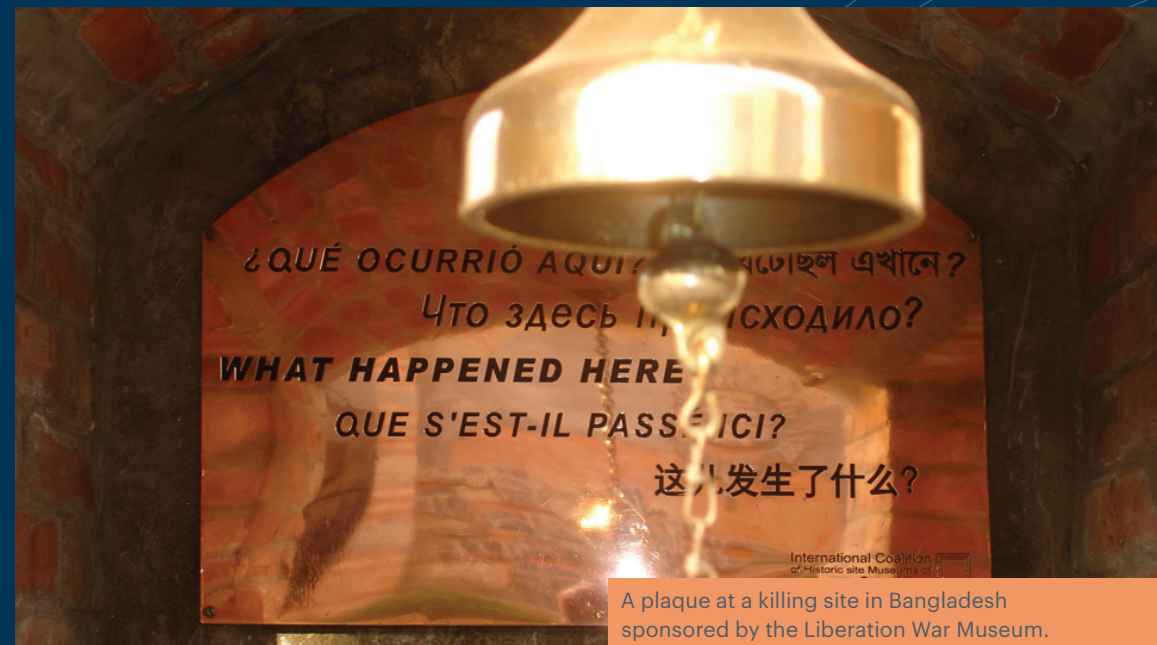
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# ABOUT THE GLOBAL INITIATIVE FOR JUSTICE, TRUTH AND RECONCILIATION CONSORTIUM

Around the world, there is an increasing call for justice, truth and reconciliation in countries where legacies of grave human rights violations cast a shadow on transitions. To meet this need, the International Coalition of Sites of Conscience (ICSC) launched the Global Initiative for Justice, Truth and Reconciliation (GIJTR) in August 2014. The goal of GIJTR is to address new challenges in countries in conflict or transition that are struggling with their legacies of past or ongoing grave human rights violations.

The GIJTR Consortium (“the Consortium”) comprises the following nine partner organizations:

- International Coalition of Sites of Conscience, in the United States (lead partner);
- American Bar Association Rule of Law Initiative (ABA ROLI), in the United States;



A plaque at a killing site in Bangladesh sponsored by the Liberation War Museum.

- Asia Justice and Rights (AJAR), in Indonesia;
- Centre for the Study of Violence and Reconciliation (CSVR), in South Africa;
- Documentation Center of Cambodia (DC-Cam), in Cambodia;
- Due Process of Law Foundation (DPLF), in the United States;
- Forensic Anthropology Foundation of Guatemala (Fundación de Antropología Forense de Guatemala – FAFG), in Guatemala;
- Humanitarian Law Center (HLC), in Serbia; and
- Public International Law & Policy Group (PILPG), in the United States

In addition to leveraging the different areas of expertise of the Consortium partners, the ICSC draws on the knowledge and longstanding community connections of its 275-plus members in 65 countries to strengthen and broaden the Consortium’s work.

The Consortium partners, along with the ICSC’s network members, develop and implement a range of rapid response and high-impact programs, using both restorative and retributive approaches to criminal justice and accountability



for grave human rights violations. The Consortium takes an interdisciplinary approach to justice, truth and accountability. On the whole, the Consortium partners possess expertise in the following areas:

- Truth telling, memorialization and other forms of historical memory and reconciliation;
- Documenting human rights violations for transitional justice purposes;
- Forensic analysis and other efforts related to missing or disappeared persons;
- Advocating for victims, including for their right to access justice, psychosocial support and trauma mitigation activities;
- Providing technical assistance to and building the capacity of civil society activists and organizations to promote and engage with transitional justice processes;
- Reparative justice initiatives; and
- Ensuring and integrating gender justice into these and all other transitional justice processes.

Given the diversity of experiences, knowledge and skills within the Consortium and the ICSC's network members, the Consortium's programming offers post-conflict countries and countries emerging from repressive regimes a unique opportunity to address transitional justice needs in a timely manner while simultaneously promoting local participation and building the capacity of community partners.



A 2018 GIJTR exhibition of body-maps in Conakry, Guinea.



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# PART I: GETTING STARTED

# 1. INTRODUCTION

Civil society has long been seen as a crucial proponent of transitional justice, even while state authorities have ultimate responsibility for implementing such processes. However, while secular civil society, with norms that resonate with the framework of international human rights law that underpins transitional justice, has been much discussed in scholarship and praxis, there is little support for effective engagement with religious actors. This itself is strange in a global environment where everyday lives are far more likely to reference the rituals of faith and organized religion than the abstraction of international law. This toolkit is an effort to remedy that deficit. It seeks to support all of those who seek to work with religious and faith-based actors (RFBAs) on the issue of transitional justice, as well as to provide guidance for RFBAs themselves.

The toolkit is an output of a project of the Global Initiative for Justice, Truth and Reconciliation (GIJTR). It is driven by the understanding that involving faith-based organizations in transitional justice processes requires a proper analysis of their role, as well as the contribution they bring to the process. Although the practice of transitional justice and processes aimed at negotiating peace and transition have involved faith-based actors as key stakeholders, either leading or advocating for change, the role of faith-based actors and the extent to which they advance truth, justice and reconciliation goals and influence the success and legitimation of post-conflict reconstruction processes have not been the subject of much inquiry. This project therefore seeks to examine the extent to which engagement with faith-based actors can strengthen transitional justice processes, considering how RFBAs have played varied roles during periods of conflict and/or authoritarian rule.

This toolkit has been informed by a set of case studies covering key contexts in which RFBAs participated in formal or informal transitional justice processes.



Malians pray outside the Sankore Mosque during the celebrations for the Maouloud Festival in Timbuktu, northern Mali, January 2014, an important and century old festival. Image credit: UN Photo



The case studies sought to understand the impact of their participation, or lack of it, on these processes. Contexts comprised Guatemala, Northern Ireland, South Africa, Sri Lanka, Tibet and Tunisia. Additional input was sought from academic and practice literature from a range of other relevant contexts and multicontext research studies.

The GIJTR Consortium piloted this assessment tool in Zimbabwe, where it identified and trained local civil society organization (CSO) partners to implement a locally contextualized assessment tool, diversifying the tool's applicability and expanding its reach. Zimbabwe has been selected as a pilot context because of the visibility of the Roman Catholic Church and other faith-based actors who have constituted the backbone of healing, reconciliation and peace processes at a localized level, providing assistance and shelter to victims in need. In Zimbabwe, RFBAs have played a pivotal role in breaching community divisions, fostering resilience and preventing the recurrence of violence and atrocities. Together with local CSO partners and participating communities from the pilot location, the Consortium hosted a workshop to analyze the collected data of the pilot assessment, share feedback and recommendations on the tool



South Sudanese Christians celebrate Christmas mass at El Fasher church in North Darfur, December 25, 2010. Image credit: UN Photo

and generate criteria and guidelines for practitioners seeking how and to what degree they should engage RFBAs in formal or informal roles of a transitional justice process. To put the pilot assessment findings into action, the Consortium provided sub-grant funding to local CSO partners that work with RFBAs on transitional justice issues, to implement programming that targets areas of need identified in the assessment as well as to raise awareness and/or enhance the participation of faith-based actors in transitional justice initiatives. This process permitted further developments of some elements of the toolkit and additions of themes that had been absent that emerged from the direct experience of practitioners working with it.

## RELIGION AND TRANSITIONAL JUSTICE

Despite unfolding in many highly religious societies, transitional justice and the human rights framework that underpins it have long neglected any formal acknowledgment of the role of religious actors. Nevertheless, pastors, priests and imams have become involved globally and advocated for truth commissions, trials and reparations schemes, at times leading these transitional justice mechanisms. While religion has been used to drive conflict, in all traditions it promotes peace and seeks to resolve conflict, in ways that resonate with the goals of transitional justice. In many parts of the world, civil society reflects the religiosity of communities, and as a result, the religious are involved in dealing with the past – both as activists and in pastoral work with their congregants. Many scholars have located the origins of the modern human rights discourse in Christian moral traditions,<sup>1</sup> and while the discourse today stands as a secular one, its origins may be traced to Christian theology.

When we talk here of “religious” actors, it is clear that the nature and quality of these are hugely diverse in concepts, values, practices and rhetoric. For this toolkit, religious is understood as “a modality of language and belief as well as practice.”<sup>2</sup> The language of faith resonates with many of the concerns of transitional justice, seeing reconciliation and the broader narratives of peace and justice as integral to the spiritual mission. Reconciliation is both at the heart of the idea of conflict resolution that religion advances and a concept that has been placed at the center of ideas of transitional justice. Daniel Philpott, for example, has developed a conception of reconciliation that incorporates the core components of the idea of restorative justice and shows how it can

be the subject of overlapping consensus among members of the Abrahamic faiths.<sup>3</sup> It has been argued that religion and religious understandings can provide additional resources to advance forgiveness, which can make possible remarkable transitions from conflict to peace.<sup>4</sup> Within the theory and practice of transitional justice there is a consensus in rhetoric on the importance of reconciliation but none on what it actually means or how to achieve it. An engagement with religious actors offers the prospect of accessing an understanding of reconciliation deeply embedded in cultural values shared across communities that can be effectively operationalized in a transitional justice process. Reconciliation as the process of transforming relationships links to an understanding of transitional justice as transforming political relationships in a just manner.<sup>5</sup>

Because many spiritual traditions see peace and justice as intertwined, much action by faith-based actors will blur what might be called transitional justice and peacebuilding. As such, in this toolkit, peacebuilding is seen as both a constituent part of transitional justice and one result of its practice.

## 1.1 Whom is this assessment tool for?

This assessment tool aims to help all those working in contexts seeking to transition from conflict or authoritarianism to understand what role RFBA can have in advancing justice and truth telling. The toolkit seeks to take a practical approach to analyzing a particular context and RFBA present there to understand their potential to act and which directions for action would be most appropriate. It does not seek to impose a particular interpretation of what forms or mechanisms of transitional justice are most relevant but rather lays out a set of questions to be asked and information to be collected that can support the user in any context to match the resources and opportunities of the context to the transitional justice goals they seek. The toolkit is intended for all actors engaged with transitional justice, especially civil society actors, whether faith based or not, and all those who work alongside them.

## 1.2 What is the goal of this assessment tool?

The tool has three parts. The first introduces transitional justice and RFBA, the second consists of a set of questions that supports an analysis of the context and of RFBA that are present to understand whether they can act and what they could best do to support transitional justice, and the final part surveys potential actions by RFBA around transitional justice.

The assessment element of the tool is designed around users' responses to the following questions:

- What are the social fault lines in society, in terms of histories of violence and repression, the status of any peace or justice process and the broader political space for transitional justice?
- Who are the RFBA of relevance in the context, what legitimacy and presence do they have and what are they currently doing around transitional justice?
- What is the status of efforts in the context to address legacies of rights violations at both state and informal levels, and what are the obstacles in moving these efforts forward?
- What particular opportunities in the context are open to RFBA to advance transitional justice in the context, and what strategies are appropriate for engaging them?

It is hoped that by introducing the potential roles that such actors can play and sharing examples from other contexts, all those working toward transitional justice will have a greater understanding of the potential of such actors to support their efforts.

At the end of the assessment, practitioners should be able to understand and explain any religious elements in the identities that define communities that have been in conflict or that have otherwise contributed to conflict. Practitioners should further be able to identify what role, if any, particular RFBA have played in both conflict resolution and peacebuilding, as well as in broader support to communities and in addressing the legacies of violations that have been committed. The assessment should support an understanding of the potential of RFBA in the context to play a role in future transitional justice processes and in which areas they may be most able to contribute.

### 1.3 How to use this assessment tool

This section identifies the steps that should be taken to assess the potential for RFBA to be engaged to play a role in a transitional justice context using this assessment tool. Ideally, prior to an assessment being implemented in the field, implementers will go through each stage of this assessment process. These introductory steps will provide the context and definition necessary to identify potential participants (from among concerned communities or from RFBA) and influential actors and tailor the assessment questions to the specific working context. Importantly, this assessment tool is not intended to be conducted wholesale in every conflict situation: Every context will have a different history of violations and politics around transitional justice, just as every RFBA will have unique engagement with that history and those politics and will therefore bring something different to a transitional justice process.

Additionally, these assessment questions should not be taken wholesale into the field; the areas of inquiry identified in part II are suggested introduction points. Background research may reveal additional specific issues that need to be addressed, and informant interviews, focus groups or surveys may introduce new questions that have not been identified in this guide. It is very important to take a flexible approach to the questions posed by this assessment tool.

It is assumed that users of the assessment tool have a significant degree of knowledge or understanding of the context, in terms of the history of conflict or of repression and of the role of RFBA in that history and their potential for action around peace and justice. The tool seeks to build on this knowledge in a systematic way and support analyses that can drive an effective engagement with such RFBA.

### PRE-ASSESSMENT PLANNING

The assessment should be preceded by efforts to gather information about the period of conflict or authoritarian rule in the context and by the identification of relevant faith-based actors of importance and the communities with which they engage. The research will engage with communities who are close to particular RFBA and who will be able to share details of how they perceive a particular RFBA, as a political or conflict actor and/or as an actor who has supported peace and remained close to and supportive of those communities. Typically, research targets will thus include:

- At least one community that has been affected by violations and
- RFBA with whom at least one of those communities has a historic relationship of trust.

This will begin from the experience of researchers and be informed by desk research, in terms of the role of religion and of faith-based actors before and during conflict, how these actors came to be involved (or absent) from transitional justice processes and any formal or informal process(es) of relevance that have taken place. The output of this planning will be a set of RFBA to be assessed and a corresponding set of communities with whom they are (or have been) engaged.

### 1.4 Implementation of the tool

Implementation of the tool requires the collection of data that can answer the questions of Part II. These data will build on those from the desk research and consist largely of qualitative information collected in interviews and focus groups with concerned individuals. These can include:

- Community members, including traditional and formal leaders;
- Victims of violations;
- Those engaged with RFBA, including priests/imams, etc., and laypeople; and
- Local and national authorities and those engaged with formal and informal transitional justice processes and peacebuilding activities.

The data collected will be subjective, in the sense that they represent people's feelings and perceptions.





Religious leaders at a 2019 GIJTR workshop on dialogue and violence prevention in Conakry, Guinea.

Prior to such data collection, it is suggested that the following steps be taken to:

- Ensure a comprehensive understanding of the context,
- Identify relevant communities,
- Assess the needs and priorities of those communities, and
- Identify the RFBA of relevance to those communities.

Guidelines for these steps are discussed below.

Once the assessment has been conducted, an intervention can be developed based on the findings. These steps are also discussed below.

### STEP 1: DEVELOP A COUNTRY BACKGROUND

Before embarking on an assessment of how RFBA can support a transitional justice process, it is important to understand the context in which an intervention will occur. The purpose of a country background is to collect information about the social, political, economic, religious and legal context of your country or region. This background information will help you to understand the landscape in which your assessment will occur, direct the focus of your assessment and help to plan and design your project.

A country background should address the following questions:

<p><b>Geo-political context</b></p>	<ul style="list-style-type: none"> <li>• Introduces the geography of the country, which may include – if relevant – a broad description of available natural resources; may also include a broad discussion of regional geography and its impact on the country and its history.</li> <li>• Also introduces the demographics of the country and trends over time, with specific reference to relevant religious and/or other identities (i.e., race, ethnicity, age, sex, region of origin, language and migration patterns). This should emphasize any religious elements of how communities define their identities.</li> </ul>
<p><b>Socio-political context</b></p>	<ul style="list-style-type: none"> <li>• Discusses the broad cultural and social structures that have existed over time, as well as the norms that shape power relations between groups. Provides an overview of conflict, including historical legacies of violence, political upheaval and periods and/or events that shape current attitudes and ongoing grievances.</li> <li>• This section should describe any other events relevant to the transitional justice setting, including peace processes. It should also include the role of RFBA in the conflict and the peace and any implications of particular RFBA in politics.</li> </ul>
<p><b>Economic context</b></p>	<ul style="list-style-type: none"> <li>• Provides an overview of economic performance and growth, national economic and poverty statistics and information regarding distribution of poverty by region and disaggregated (where possible) by demographic group. This section may also address the economic causes of conflict and any major issues associated with resource availability and allocation.</li> </ul>
<p><b>Legal landscape</b></p>	<ul style="list-style-type: none"> <li>• Introduces the governance systems and legal structures of the country and how they are functioning. It includes the relevant international and regional legal instruments to which the country is signatory; where relevant, it should address the structure of nonstate and customary institutions.</li> <li>• This section should also describe any transitional justice mechanisms that are already in place, as well as any significant post-conflict reforms.</li> </ul>
<p><b>Marginalized populations</b></p>	<ul style="list-style-type: none"> <li>• This section should identify any groups that have specific vulnerabilities in the context, including women, youth, indigenous groups, persons with disabilities, religious or faith-based minorities, etc.</li> </ul>

## STEP 2: IDENTIFY PARTICIPANT COMMUNITIES

While *participation* does not have a single meaning, in the transitional justice context it describes the idea that communities who are affected by – or are victims of – human rights violations should be involved at each stage of a transitional justice process. This ensures that the process of examining violent pasts encourages the engagement of affected populations and creates greater opportunity for those who have been most affected by rights violations to help define the goals of the process. Similarly, the engagement of RFBAs in transitional justice, at formal or informal levels, should also be driven by the goal of addressing victims' needs. This assessment tool envisions that communities will participate in the transitional justice process to the greatest extent possible, and this is mirrored in the assessment. An integral part of research to support engagement with transitional justice involves not only identifying partner communities but also working with them to determine how best they



Image credit: Ismael Paramo

can support assessment efforts. For this assessment, communities should be prioritized where RFBAs play a significant role in the community or have the potential to do so. Some of the following questions could be useful starting points to identify the target community:

**Step 1:** Questions in the table below could be answered using desk research, though if you already have links with the community, you may be able to answer these using your own experiences.

**Steps 2 and 3:** Questions in the table below may require conducting key informant interviews with community members.

### Sample questions for conducting community participation analysis:

Step	Suggested areas of inquiry for community participation
<b>1. Identify target community</b>	<ol style="list-style-type: none"><li>1. How is the target community defined? Is there a religious element to this definition? Who participates in defining the community? Does using that definition of community itself cause harm?</li><li>2. Are there marginalized groups<sup>6</sup> within the community that demand special efforts to ensure their participation?</li><li>3. Does your organization have the capacity to work within the community?</li><li>4. Is the community ready to engage in dialogue about past human rights violations and how to address them? Has the community expressed a need or desire to create or participate in a transitional justice process?</li><li>5. Does the community have a relationship with one or more RFBAs who could be the focus of the assessment?</li><li>6. Is the target community likely to be motivated and able to research, implement or advocate for their chosen transitional justice interventions?</li><li>7. Is the target community committed to creating equal opportunities for participation?</li></ol>

Step	Suggested areas of inquiry for community participation
<b>2. Identify community implementers</b>	<ol style="list-style-type: none"> <li>1. What is the relationship between local community implementers and the community's existing decision-making structures?</li> <li>2. Does the selection process for implementers provide all community members, including marginalized groups, with an equal say in their selection?</li> <li>3. Is it appropriate to select implementers who are linked with a local RFBA? What would this add or challenge?</li> <li>4. Do the selected implementers represent a fair cross-section of their community?</li> </ol>
<b>3. Identifying capacity and resources</b>	<ol style="list-style-type: none"> <li>1. What resources and capacities already exist within the community (e.g., preexisting customary dispute resolution practices)? Are these linked to one or more RFBA's?</li> <li>2. What knowledge do community implementers already possess about transitional justice?</li> <li>3. Are there preexisting transitional justice processes within the community that the project can build on?</li> <li>4. Will any assistance be required to develop local capacity? Are resources available locally, or will these have to be sourced externally?</li> <li>5. Are there external actors willing and able to provide support – technical, material or financial – in a form that is relevant?</li> </ol>

### STEP 3: IDENTIFY NEEDS OF VICTIMS AND AFFECTED COMMUNITIES

Given that all transitional justice work should seek to address the needs of affected communities and individuals, this assessment should ensure that it is driven by those needs. There may be existing data, in the form of surveys or published reports that share such information. However, care should be taken regarding the framing of any such data. For example, legally oriented nongovernmental organizations (NGOs) may emphasize the need for criminal accountability for prosecutions, while those affiliated with RFBA's may emphasize the need for peace and reconciliation. In communities, all such needs will be articulated and are likely to be relevant, and as such the process of identifying needs may be one of understanding priorities.

Data collection to understand needs of those communities engaged by the assessment must be conducted with care, in both how those from whom data are collected and how this is done. When interviewing those affected by violations, care must be taken to ensure that all ethical precautions are in place to guarantee that no harm is done to respondents. These are discussed further below. Where representatives of communities or of victims are available, these can constitute effective respondents who can articulate the needs and priorities of communities and victims. An effort should be made, however, to ensure a representative engagement with those who constitute the community: In many cases, members of majority groups will not be able to effectively represent others in their community, in terms of understanding their experience of violations or their needs in addressing their impacts. An effort must be made to ensure that those whose voices may not be represented or heard are sought out. These can include women, ethnic or religious minorities, victims of violations that are not well understood and those who are stigmatized by their experience. The selection of those met for interviews or focus groups can be steered by the community analysis, above.

An effective way to understand priorities is to ask an open-ended question about what people want to address regarding legacies of violations and then to follow this up with targeted questions around particular approaches or planned mechanisms. The below set of questions is a template for creating a needs assessment process relevant in the context.



Step	Suggested areas of inquiry to assess needs
<b>1. Identify impacts, needs and priorities</b>	<ol style="list-style-type: none"> <li>1. What are the greatest problems you face as a result of violations of human rights, and what impacts have these had on you?</li> <li>2. What would you most like to see done to address these?</li> <li>3. Has anything been done so far to address these, and has it helped? Please feel free to share which elements have been helpful and which have not.</li> </ol>
<b>2. Identify relevance of transitional justice approaches and any mechanisms in place</b>	<ol style="list-style-type: none"> <li>1. How important do you think the following approaches are to your situation? <ul style="list-style-type: none"> <li>• Truth telling</li> <li>• Criminal prosecutions</li> <li>• Reparations and compensation</li> <li>• Reform of state institutions</li> </ul> </li> <li>2. Are you aware of any of these approaches having been undertaken – either in your community or at the national level?</li> <li>3. [Where relevant] Have you engaged with any processes that have taken place?</li> </ol>
<b>3. Identify other areas where support is wanted</b>	<ol style="list-style-type: none"> <li>1. What other support do you or the community seek to address needs arising from rights violations? <ul style="list-style-type: none"> <li>• Psychological/psychosocial</li> <li>• Medical</li> <li>• Economic/livelihood</li> <li>• Legal</li> </ul> </li> <li>2. What role could RFBAs play in this?</li> </ol>

#### STEP 4: IDENTIFY RFBAs OF RELEVANCE

Once assessors and communities (if relevant) have collected data and identified local needs, the assessment must seek to identify RFBAs of relevance to those communities. This may be steered by the answer to the above question about

any relationship the community has with one or more RFBAs or may emerge independently. The below represents a set of questions that can steer this process:

#### Sample questions identifying relevant RFBAs:

Step	Suggested areas of inquiry for identifying relevant RFBAs
<b>1. Identify community religious identity</b>	<ol style="list-style-type: none"> <li>1. Does the community's identity (or identities) reference any understanding of religion or faith? Is religion an identity in itself or a significant constituent of an ethnic identity?</li> <li>2. Is religion a driver of conflict, or does the conflict have racial, religious, political or economic elements for which religion is a proxy?</li> <li>3. Are there one or more faiths or confessions of primary importance to most community members?</li> </ol>
<b>2. Identify relevant individuals within RFBAs</b>	<ol style="list-style-type: none"> <li>1. Which actors on the national or local stage are most important to the community? Are these RFBAs in the community?</li> </ol>

#### STEP 5: CONDUCT THE ASSESSMENT

This assessment tool envisions the use of interviews and focus groups to answer the questions of the assessment and to understand how RFBAs:

- Contributed to or attempted to mitigate the conflict and its impacts,
- Engage in defense of human rights and address the legacy of violations,
- Engage with the authorities and other actors around past violations.

Such qualitative data collection methods can also be used to solicit opinions, perceptions and attitudes from participants that can steer or affect future interventions.

In collecting the data that address assessment questions, some best practices should be followed, to both optimize the quality of data collected and ensure that ethical standards are met.

## Best practices in conducting interviews and focus groups

Description	Do	Don't
<b>Organizing key informant interviews and/or focus groups</b>	<ul style="list-style-type: none"> <li>Do send out a one-page summary alongside your participation request that explains the parameters of your project, including its objective and the anticipated outcomes.</li> <li>Do inform the potential participant of the reason(s) you want to speak with them specifically and what information you hope they will be able to provide.</li> <li>Do be aware of security risks when communicating information (e.g., when seeking a respondent in a community, don't necessarily say that you want to speak to her about a particular violation).</li> <li>Do approach participants in a manner that is accessible. Participants may not know much about transitional justice or human rights law. Where necessary, provide working definitions or reframe terminology before information collection begins so that people have a better understanding of what they are participating in and why. To the extent possible, limit the use of jargon or acronyms.</li> <li>Do obtain informed consent before initiating an interview or focus group (see "Informed Consent Criteria," below).</li> </ul>	<ul style="list-style-type: none"> <li>Don't spend most of your time in the interview informing the participant of what the project is about.</li> </ul>

## INFORMED CONSENT CRITERIA

Before initiating any interview, focus group or survey, ensure that you have fully informed participants of the nature of the engagement with the research and to what they are consenting by taking part. Consent can be given either orally or in writing. While formal written consent – using a form that outlines the nature of the interview and how information will be used – is preferable, in some contexts this may generate skepticism or concern. Whether given orally or in writing, consent should:

- Accurately inform participants of the purpose of the research and the methods you will use.
  - Inform participants of specific risks associated with participating in the research.
  - Inform participants that all efforts will be made to keep their information strictly confidential. However, in contexts where there may be challenges to doing this, be frank about these potential threats to anonymity and confidentiality.
- Ensure that participants understand the information about informed consent that you are providing, including the information about risks. Seek to ensure that they can articulate how that information relates to their own situation.
- Advise participants that they can withdraw their consent to participate in the research at any time, including during the interview, and that they do not need to provide a reason. Remind participants that if they withdraw their consent, you will not put any pressure on them to continue participating.
- Make sure that you keep participants informed of new information that might emerge during the project. Allow them the opportunity to reconsider whether they want to continue participating.
- Ensure that participants have made their own decision about whether they want to participate or continue participating in the research. Remind them that they do not have to participate just because other people have told them to.

An important element of respect for respondents is, wherever possible, to inform them of the results and ultimate use of the research results. Given that assessments may lead to planned interventions that are likely to unfold in ways that are visible to and engage communities, such opportunities can be used to revisit communities in general and particular respondents to inform them of the impact of the research. Sharing the results of research with those who provided

data can increase trust in the organization carrying it out and ensure that future work in the community will be welcomed.

## SECURITY PRECAUTIONS

Before undertaking any action around transitional justice, whether alone or with RFBA, it is necessary to consider the security of all those involved and potential threats to their personal security and to data collected around the assessment. When seeking to do such work, care must be taken to assess and mitigate any threats to the civil society actors and RFBA involved as well as any communities engaged.

Approaches should include the following:

- Before beginning any new area of work, and at regular intervals, a risk assessment must be made for all those involved.
- Your organization should have a set of security guidelines, which should include approaches to mitigating risks to all those involved, laying out what you do and how you work.
- Guidelines should include protocols for responding to specific threats.
- CSO team members should be trained and accountable.

These are discussed in greater detail in Section 5.4.

## STEP 6: DESIGNING A POST-ASSESSMENT INTERVENTION

Ideally, once the assessment is conducted and the data are analyzed, implementers will have an idea of how RFBA can best be engaged in transitional justice interventions. Given that communities should drive this engagement wherever possible, on the basis of their needs, it is necessary to design an intervention strategy in collaboration with concerned communities as well as with the input of the concerned RFBA.

## Some questions to ask when working with communities to design and execute interventions may include:

Step	Suggested areas of inquiry for community participation
<b>Design</b>	<ol style="list-style-type: none"> <li>1. How is community consensus determined, and what will you do if there is no consensus?</li> <li>2. Who will be involved in using the data as a basis for action?</li> <li>3. Is there community consensus surrounding the main needs?</li> <li>4. Is there community consensus surrounding long-term goals?</li> <li>5. Can the community and the RFBA work together on designing and realizing an intervention?</li> <li>6. Are there community members who are most affected by the problems or at least by proposed solutions?</li> <li>7. Do community members have equal opportunity to participate in program design?</li> <li>8. Are discussions about problems and solutions dominated by traditional power holders within the community?</li> <li>9. Is there an individual within the RFBA who can lead any intervention or offer public support for it?</li> </ol>
<b>Monitoring and evaluation</b>	<ol style="list-style-type: none"> <li>1. Are there any information-gathering tools that already exist within the community that could be useful?</li> <li>2. Are there any community members who already have a skill set that might lend itself to monitoring?</li> <li>3. Is there consensus regarding monitoring and evaluation questions?</li> <li>4. Who will analyze the data?</li> <li>5. What are the best ways of conveying information to the community? Can the RFBA take the lead?</li> </ol>
<b>Implementation</b>	<ol style="list-style-type: none"> <li>1. Are there national institutions whose consent or support is necessary or desirable for successful implementation? Does the RFBA have a national-level presence or an affiliation or allies who could support the intervention?</li> <li>2. How many participants will be involved in the process?</li> <li>3. Will nonselection result in further marginalization of any community group?</li> </ol>

Please note that this assessment tool envisions possibilities for engagement in both state-led, national-level transitional justice processes and local-level informal processes. In both cases, this assessment tool assumes that the implementer will take a role in facilitating RFBA engagement, whatever the approach. The assessment tool provides some suggestions about what kinds of interventions might be appropriate for engaging certain RFBA, but these are not comprehensive lists and should be adapted to the local context.



## 2. RFBA<sub>s</sub> IN TRANSITIONAL JUSTICE

### 2.1 Defining transitional justice

This assessment tool seeks to understand transitional justice not only in the commonly referenced terms of the Guidance Note of the Secretary General<sup>7</sup> but also to ensure that local, informal and community-based approaches and practices to address histories of violations – including memory work, for example – are explicitly included in that understanding. This tool will reference a definition of transitional justice that reflects the understanding of both transition and justice that is represented by the work of the GIJTR<sup>8</sup>:



Attendees place carnations in a basket to be placed in the water at a remembrance ceremony in Plaza de la Constitucion, St. Augustine, Florida, 2013. Image credit: Middle Passage Ceremonies and Port Markers Project

Transitional justice comprises that set of practices, mechanisms and concerns that aim to confront and address past violations of human rights and humanitarian law and their legacies, characterized by one or more of the following activities:

- Truth telling, reconciliation, memorialization and other forms of historical memory, including the documenting of human rights abuses;
- Accountability for violations, including but not restricted to criminal accountability;
- Forensic analysis and other efforts related to dead, missing and disappeared persons;
- Psychosocial support and trauma mitigation activities;
- Reparative justice measures, both state-led and otherwise; and
- Guarantees of nonrepetition, including institutional reform measures.

Such approaches can arise following a period of conflict, civil strife or repression but can also be a response to historical violations in stable and/or democratic societies. They can be formal and state-led or informal and driven by communities and civil society.

This assessment tool provides examples of transitional justice processes implemented at both national and local levels in which faith-based actors have played a range of roles. National-level transitional justice processes are understood to be state-mandated and state-driven processes that may be overseen by either the state or international organizations (such as UN-supervised tribunals in Rwanda and the former Yugoslavia). The tool also suggests approaches to the involvement of RFBA<sub>s</sub> in local-level transitional justice. While local processes may also utilize state resources, this assessment tool conceives local-level processes as those led by grassroots civil society and social movement initiatives; those that incorporate traditional justice processes independent of highly formalized state judicial institutions but may engage with traditional, customary and local leaders; and those that are driven by communities and individual victims to represent a flexible and relevant response to the impact of histories of violence and that can be tailored to address local needs and demands.



Interview of a religious leader during a workshop on dialogue and violence prevention held in 2019 in Conakry, Guinea.

It should be noted that many RFBA will focus on issues of peacebuilding and conflict resolution and that the language they use around transitional justice issues may reflect this. The main focus of this tool, however, is truth, justice and reconciliation goals, those traditionally associated with the practice of transitional justice rather than violence prevention or social cohesion.

In many cases, where RFBA are leading informal processes at the community level, peacebuilding and justice activities will be intertwined. As a result, such approaches – including mediation, reconciliation and any activities that seek to bring divided communities together – will be considered relevant to transitional justice, even where they are not explicitly linked to the addressing of violations and their legacies.

### PRINCIPLES IN TRANSITIONAL JUSTICE WORK

The following principles have been found to be important in ensuring that transitional justice work effectively navigates the complex and challenging contexts in which it must work.<sup>9</sup>



Holistic	Victim-centered	Locally Owned
Use a wide range of complementary measures that take into account multiple approaches and respond to varied challenges within the transitional justice field, while tailoring these programs to unique contexts in which they are implemented.	Prioritize and support the individual and collective needs, perspectives, empowerment, respect, and security of victims throughout the program life cycle to ensure program's accountability to victims and survivors.	Prioritize local interest and needs as central to program approaches, activities, and outcomes to promote local ownership and sustainability over TJ&A processes.

**Holistic.** Holistic programming is characterized by consideration for the unique contextual factors and diversity within the overall system where activities are taking place. Strategies for ensuring a holistic approach to programming in a transitional justice process should include accounting for the needs, opportunities and gaps across a range of transitional justice measures – judicial and nonjudicial, formal and informal and retributive and restorative.

**Victim-centered.** Transitional justice is victim-centered when it prioritizes the individual and collective interests of different groups of victims and survivors. Decisions about process should be accountable to victims and survivors and driven and shaped by their perspectives and needs at every stage. Programming should intentionally provide opportunities and tools for victims to meaningfully engage, to the degree and in the ways they choose. Resilience, skill building and empowerment should be emphasized. Trauma-informed approaches should be employed to prioritize victims' and survivors' active and informed consent, privacy, agency and physical and emotional safety. The outcomes ought to reflect the priorities and needs of victims' and survivors' groups.

**Locally owned.** Locally owned transitional justice is centered on the input, needs and priorities of local actors, including victims, survivors, civil society, community members, media and government officials. Local actors drive the design, implementation and outcomes through co-creation, regular channels for feedback and input at all stages of implementation and by being at the forefront of transitional justice initiatives. This approach places local participation, authority and power at its core.

## FORMAL AND INFORMAL TRANSITIONAL JUSTICE MECHANISMS

Transitional justice has long been principally characterized by a state-led process, typically defined in terms of a set of mechanisms that come from a global “toolbox” of potential approaches. These include truth commissions, criminal trials, reparations processes and efforts to reform institutions and ensure nonrepetition of violations. RFBAs, as civil society actors, have a crucial role in advancing such formal processes and can use their authority and legitimacy to advocate with state authorities, as well as support the engagement of communities with such processes, serving potentially as a conduit and key actor for restoring truth between affected communities and transitional justice mechanisms. One focus of this toolkit is the specific nature of the roles that RFBAs can play around such formal mechanisms.

However, beyond having a role in influencing and supporting formal state-led transitional justice mechanisms, RFBAs can potentially be crucial actors in leading the development of informal grassroots processes in communities that can complement and parallel formal mechanisms. An informal transitional justice process is understood as any effort that unfolds independent of state authorities to advance justice or address the legacies of past violence and violations. Such initiatives can be led by civil society actors, including RFBAs, or by communities themselves. As processes that emerge organically at a local level, they tend to be driven by the perceived needs of local people and to reference the normative frames of greatest relevance to them, which may or may not include that of human rights. Such informal processes will often engage with issues of both justice and peacebuilding and involve the reconstruction of relationships damaged by conflict and violence. These can range from efforts at the grassroots level to engage with community members through support to the vulnerable, dialogue, mediation and empowerment to highly structured efforts,

such as those in which a nonstate actor – such as the Church – conducts a comprehensive truth-telling exercise at the national level that mimics what they would like the state to do. In many ways, such activities are a natural extension of the pastoral role that religious actors at the local level see as inherent to them, and this shows why RFBAs are a particularly relevant actor to explore.

One mode of such action is the “modeling of alternatives,” that is, creating new realities on the ground that can potentially serve as both examples and starting points for national approaches. Because RFBAs often have a unique relationship with communities, they have a substantial capacity to work at the community level across the divides of the conflict, including directly building peace and reconciliation at the local level. This has been one approach emphasized by GIJTR.

Another is for civil society to connect community-level, informal and grassroots initiatives with state institutions and those making policy, using the position of civil society as a natural intermediary that can facilitate such exchange and understanding. RFBAs have a particular advantage where they enjoy credibility with both communities and the state as actors that can effectively fulfil this role.

## 2.2 Defining RFBAs

**RFBAs will be defined here as:** Individuals, churches, religious organizations and political parties that present one or more of the following characteristics: a religious organizational structure, religious doctrine, religious motivation, religious overarching goal or predominately religious discourse.<sup>10</sup>

They include formal, organized institutions, such as established churches, and nationally recognized faith leaders, as well as local institutions and individuals who play a role in their communities as faith leaders.

Almost all religious traditions incorporate ideals of peace that permit religious actors to attempt to mobilize people toward reconciliation. Faith-based actors are well placed to mediate, advocate, observe, educate and engage in interfaith dialogue. Perceived as legitimate and credible, they have a common framework



for discourse and access to financial, institutional and human resources within their faith community.<sup>11</sup>

In any context, there will be a range of religious actors, reflecting both different religions that coexist in a society (such as Islam and Christianity in West Africa) and an often large variety of different confessions and denominations in populations that ostensibly share a faith. The implication is that in most contexts, religious affiliation will be diverse, with no single RFBA commanding the loyalty and respect of all. In such an ecosystem of RFBA, networks will link RFBA, the communities they serve, political actors and others, both domestically and abroad. Some RFBA will have formal or informal links to political power, through relationships with politicians, the strength and size of the constituency they represent or, in some cases, because they are acknowledged by the state. This then potentially enmeshes such actors in both the violations that political actors may have links to and to politically led efforts to address them through a transitional justice process. Even where the politics of past violations do not affect perceptions or actions of a particular RFBA, there may be political considerations in how it chooses to engage – or not – with transitional justice. These can arise from both the RFBA's positioning relative to political actors and toward other RFBA and in the light of the attitudes of the community it seeks to represent.



Image credit: Tyler Callahan

Different RFBA have different structures, nationally and internationally, affecting the roles they can play on a national stage. While the large Christian churches have quite rigid hierarchies that link a priest or pastor at the grassroots level with a national and often international leadership, other confessions are more decentralized. Evangelical Christian



Sudanese women from Kutum pray together for Ramadan in the city of El Fasher, North Darfur, 2010. Image credit: UN Photo/Albert Gonzalez Farran

churches have very large numbers of adherents globally but are often structured around individual churches and pastors in a particular region, with potentially few links to others or national organization. Similarly, Muslim, Hindu and Buddhist actors tend to be less formally structured, with individual priests or imams often exercising influence over their followers and, in some cases, having political visibility. In some contexts, national leaders have formal roles and relationships with the authorities.

An effort has been made in this toolkit to find examples that represent the breadth and diversity of religious actors globally and their engagement in peacebuilding and transitional justice practice. However, there is an overrepresentation of Christian examples and a paucity of those from Islam and other faiths. It has been suggested that this is the result of Christian states being overrepresented in the transitions during the so-called third wave of democratization in the last decades of the 20th century.<sup>12</sup> Interestingly, one claimed driver of these transitions was changes in the Catholic Church brought about by the 2<sup>nd</sup> Vatican Council ('Vatican II,' see Section 4.3), which emphasized individual rights and opposition to authoritarian rule, especially important for



Residents of Cité Soleil, near Port-au-Prince, Haiti, January 2010, recite nighttime prayers after their home was destroyed by Haiti's earthquake. Image credit: UN Photo/Sophia Paris

the Catholic countries of Southern Europe and Latin America, as well as the Philippines, Poland and Hungary. Another potential reason for the lack of Muslim examples is the idea of civil society and in particular the NGO as a product of the Christian West, whereas traditions in Islam are of associations and religious groups based on ties of local trust and community, in contrast to the formalized nonprofit sector in Europe and North America. Despite these challenges, an effort has been made to ensure the most diverse religious representation.

### 2.3 Conflict, religion and identity

There are examples of religion being used quite explicitly as motivation for conflict, including:

- **ISIS/Islamic State:** A group with global ambitions and roots in the Middle East, it seeks through force of arms to establish a caliphate that would be a comprehensive Islamic system ruled according to shari'a, Islamic law.
- **The Lord's Resistance Army (LRA) Uganda:** While the initial rebellion from which the group emerged had its roots in tribal tensions over political power in Uganda, it became a group driven by a fierce loyalty to a charismatic and mystical leader, Joseph Kony. What ideology it had was rooted in vague commitments to a fundamentalist Christian agenda focused on restoring rule according to the biblical Ten Commandments.

This shows how religious faith, in addition to limiting social and political violence and providing comfort to its victims, offers perpetrators of violence a rationale for atrocity. Indeed, institutionalized religions have long practiced violence against both their adherents and their perceived opponents.<sup>13</sup>

In both the above cases, however, the religious drivers and justification of conflict overlap with other agendas and identity issues, including Acholi resistance to the domination of other groups in the case of the LRA, and longstanding resentment of an external, non-Muslim invasion of their country in the case of Iraq, where Islamic State began. Even those conflicts that are most explicitly religiously motivated have a range of drivers that overlap with, and sometimes reinforce, the divisions that underlie them. In such contexts, there is clearly a role for religious actors during and after the conflict both to repudiate the interpretation of their faith that leads to violence and advance reconciliatory agendas that can address both the drivers and consequences of the conflict.

Only a minority of conflicts, however, are explicitly driven by religious differences. The vast majority are identity-based, in that tensions arise between groups who are defined – or who define themselves – in contrast with others. This will typically be understood in terms of *ethnicity*, that is, the fact of belonging to a social group that has a common national or cultural tradition, but in many contexts ethnicity and religion are either interlinked or understood as mutually affirming. Such identity, however, also typically has linguistic, historical and cultural origins. As such, many of the examples discussed here show that while religion is not





A man prays in a mosque in Kabul, Afghanistan. Image credit: UN Photo/John Isaac

perceived as a root cause of conflict, it is a significant contributor to the identities of communities that sustain it. The religious dimensions can also develop and enlarge over the period of conflict. The term *ethno-religious conflict* has been used to refer to conflicts involving groups in which religion is an integral part of social and cultural life, and religious institutions are representative and possess moral legitimacy and mobilization potential. This offers particular responsibility and opportunity to RFBA, who are very often leaders of their communities, to both seek to prevent and mitigate conflict as well as to address its legacies. In some cases, religious leaders use their authority and charisma to exacerbate conflict, seeing themselves as defenders of the community whose identity is partially linked to their religion or faith. It also shows the limits of the authority of religious leaders: Where identity is only partially based on religious affiliation, other elements may reduce the influence of RFBA.

## 2.4 The role of RFBA in transitional justice

Faith-based actors are understood generally as civil society actors of a special type. Faith and religious institutions can offer some of the few shared values in societies that are highly divided in other ways and in many contexts. RFBA enjoy deeper roots and loyalties in communities than any other actor. This is often accompanied by strong organizational networks at the grassroots level that can support service provision to communities as well as provide a route from communities to religious leaders at the national level. As such, RFBA are able to engage populations and mobilize support in communities far more effectively than many other actors and are particularly sensitive to the constraints of local context. The role they play during conflict and authoritarianism can ensure they are well placed to lead transitional justice efforts. Organized churches – for example the Catholic Church in Latin America – had the authority, legitimacy and relative political safety to undertake truth-seeking activities that could challenge dictatorships in ways that few others did. Many RFBA can additionally mobilize transnational civil society through their international links.

Those who follow a particular RFBA represent spiritual communities who are bound by their faith to one another and to their faith leaders around a set of typically positive values. As such, the impact an RFBA can have relative to any other civil society actor is enhanced because of their community's strong allegiance to the institution, the values that institution represents and the



strength of community that allegiance builds. The influence that RFBA have with communities is principally a result of their *legitimacy*. The traditional or charismatic sources of legitimacy that RFBA have inspire individuals and communities to follow them in a way that is very different from the legal logic of civil society actors who justify their action on the basis of human rights norms. This offers RFBA the potential to lend their special legitimacy to transitional justice processes in ways that make religious actors particularly valuable allies for all those entities – governments, international organizations and NGOs – engaged in such processes. The confidence that local communities have in faith actors can encourage local ownership and engagement in justice processes.

A particular factor in enhancing the legitimacy of RFBA is a history of resistance to authoritarianism or support to a community during conflict. Similarly, the legitimacy of such actors can be undermined if they are perceived to have been responsible for or complicit in rights violations during the period of authoritarianism or conflict. The relationship of RFBA to past violations thus demands an examination of *autonomy* as a factor, in terms of the need to ask how autonomous of an authoritarian or violating regime any RFBA was and to examine its past conduct as an accomplice. Religious actors who have been able to strongly influence transitional justice processes are those who enjoyed autonomy from the state during war or authoritarianism and maintained this autonomy during the transition period. Such autonomy confers a moral authority that empowers their legitimacy to shape their state’s approach to transitional justice. Where an RFBA is seen as compromised by its past actions, prior to such actors being perceived as having legitimacy to engage in a justice process, it may be necessary for them to both publicly distance themselves from past action and engage in other accountability processes around their behavior.

Legitimacy is not, however, solely the preserve of institutional RFBA – individuals can also be seen as figures of legitimacy and authority. In many notable cases, individuals linked to churches and other religious institutions have used their charisma to become figureheads for transitional justice generally or for a particular approach to transitional justice. Sometimes, where a faith-based institution is tarnished by a past proximity to a violating state or armed actor, or is unwilling to take a leadership role, individual approaches can leverage the cultural values they represent.

RFBA can also be political actors, either explicitly or implicitly, challenging injustice by confronting regimes that breach human rights or representing their community

in the political arena. Transitional justice and peacebuilding will almost always be framed as a part of political contestation, and both faith and allegiance to a particular community can serve to drive a particular political perspective. Increasingly, “in most non-Western and post-colonial societies, such as Africa, religion is resuming its central place in public life, including politics,”<sup>14</sup> and as a result, RFBA can expect a significant role in the politics of both transition and justice. At the same time, involvement of religious actors in processes around and after conflict poses its own challenges. Religious actors are rarely fully neutral – because of links to communities, their engagement can come with conditions attached, and their involvement in political processes can undermine their moral authority.<sup>15</sup>

Some transitional justice legislation specifically mentions religious actors – ranging from simply permitting a truth commission to seek assistance from religious leaders (e.g., Liberia) to requiring, for instance, that the selection panel for the recruitment of commissioners include members of specific religious organizations (e.g., Kenya).

Table 1 shows a conceptual framework for understanding the role of civil society in transitional justice, which will be used in this tool for assessing the potential role of RFBA in any particular context.

<p><b>Persuasion/ advocacy</b></p>	<ul style="list-style-type: none"> <li>• Work to influence formal transitional justice processes, either directly or indirectly. This includes calling for or resistance toward a process and a range of different repertoires of action such as documentation, lobbying and protest.</li> </ul>
<p><b>Support</b></p>	<ul style="list-style-type: none"> <li>• Offer technical, logistical, financial or other support to formal processes, such as supporting a truth commission to access victims, using networks in the community. Support can include follow-up and extending the work of institutions, such as advocating for the implementation of truth commission recommendations.</li> </ul>
<p><b>Mobilization/ capacity building/ education</b></p>	<ul style="list-style-type: none"> <li>• Work with concerned constituencies so they can engage with formal processes and/or to empower them to represent themselves in independent initiatives such as victims’ groups. This can include classic rights-based approaches of educating stakeholders about their rights but extends to empowerment through the creation of organizational forms that permit self-representation.</li> </ul>



<p><b>Substitution/ independent action</b></p>	<ul style="list-style-type: none"> <li>• Undertake transitional justice-style processes independently, such as grassroots truth telling or documentation or the provision of assistance to victims. While this can feed into a formal process at some point, it may not.</li> <li>• Such independent action can, however, have significant impacts both locally and nationally, by challenging false narratives about the past, revealing long-hidden truths and acknowledging – and potentially addressing – the impacts on victims. It can also be particularly important in conflict resolution, supporting reconciliation between communities as well as concretely addressing vulnerabilities arising from violations.</li> </ul>
<p><b>Space for modeling alternatives</b></p>	<ul style="list-style-type: none"> <li>• Organizations can test new forms of organization and create spaces where alternatives can be modeled: <ul style="list-style-type: none"> <li>◦ Generating their own understandings of rights and justice and potentially rejecting dominant discourses as a point of reference such as neo-liberalism or even transitional justice itself.</li> <li>◦ Creating “zones of civility” where reconciliation or truth telling can occur; for example, religious or restorative justice interventions that contest the dominant discourse on accountability.</li> <li>◦ Implementing forms of collective action to both construct and modify collective identity.</li> <li>◦ Engaging in novel repertoires of action, including strategies using protest and street-based action, that provide alternatives to transitional justice mechanisms.</li> </ul> </li> </ul>

**Table 1.** Modes of civil society interaction with transitional justice mechanisms.<sup>16</sup>

In contrast, in many conflicts, religion is perceived as a component of identity that drives tensions between communities, so religious actors can be seen as stoking division, making their role in transitional justice more problematic. In such contexts, RFBA can act as transitional justice spoilers, using their legitimacy to reduce confidence in a process and continue conflict.

In much of the Global South, where most contemporary transitional justice processes unfold, civil society is often significantly influenced by religion, reflecting

the authority of deep cultural norms that must underlie any approach to justice. In some societies where kinship ties and customary modes of governance remain important in the organization of social and political relations, customary and faith-based governance sees a degree of integration of the state and RFBA. In such societies, and particularly where populations have limited access to state services, civil society is not perceived as separate to the state but rather mediates relations between the state and society. In such a context, rights-based and faith-based approaches, as well as state and informal approaches, will be less well separated.

### RFBA BEYOND CIVIL SOCIETY

Some RFBA are not traditional civil society actors or have roles or status that go beyond that understanding. Some of the case studies produced within the scope of this project, for example, demonstrate this:

- **Ennahda, Tunisia:** Ennahda is a political party with an Islamist orientation that represents the formal political articulation of a broader movement in Tunisia that itself has many of the characteristics of a civil society actor. Ennahda differs from a typical religious actor, however, in having both the goal of political power and having participated in and led governments since the 2011 revolution. As a part of the state, for example, when it led the Ministry for Human Rights and Transitional Justice, Ennahda clearly had a different relationship with the formal transitional justice process than a civil society actor.
- **The Dalai Lama, Tibet:** While the Dalai Lama is the religious leader of Tibetan Buddhism, he is also a political figure with significant authority in the Tibet government in exile.<sup>17</sup> Although no longer



Tenzin Gyatso, the 14th Dalai Lama. Image credit: Creative Commons

the political head of the Central Tibetan Administration, he maintains very significant influence, albeit over an administrative structure that does not have state power.

- **The Rev. Ian Paisley, Northern Ireland:** Paisley was a protestant minister who founded a political party to represent the interests of the (overwhelmingly Protestant) Unionist community in Northern Ireland, becoming a powerful actor seen as the face of hardline unionism. For decades he opposed attempts to resolve the conflict through power sharing between Unionists and Republicans but ultimately joined peace efforts as first minister in a power-sharing arrangement with Catholic nationalists.

In guiding users of the toolkit through an analysis and strategizing of the role of such actors in transitional justice processes, a dedicated section will address those whose relationship with the state goes beyond advocacy, support or resistance. Such actors need to be addressed differently and potentially have a qualitatively different and often very significant impact on formal transitional justice mechanisms.



File photo from 1974 of former Democratic Unionist Party leader Rev. Ian Paisley. Image credit: PA Wire

While some may have a role that overlaps that of a classic civil society actor, their relationships with the state can be dramatically different, and this must be borne in mind when evaluating their potential for positively affecting such process (see Section 4.3).

## 2.5 Added value of RFBAs

RFBAs bring particular values and a so-called special legitimacy to work in peace and justice. The legitimacy and authority of religious actors derive from traditional or charismatic sources, which differ from that held by secular civil society and politicians.<sup>18</sup> First, religious actors derive authority from the status that their community enjoys in their society, a status that in turn derives from the principles and beliefs of the community. This can be augmented by the charisma of particular individual religious actors. Second, RFBAs are motivated and shaped by a set of ideas and beliefs that flow from their scriptures and traditions, and this both resonates with the values inherent in transitional justice and can reframe how it is conceived. Third, RFBAs engaging with transitional justice can use rituals and practices from their traditions for the purpose of political healing.

The value that RFBAs can add is summarized in Table 2. This typology is based on the engagement of the Catholic Church with transitional justice but can be generalized to other religious actors.

<b>Ritual and spirituality</b>	<ul style="list-style-type: none"> <li>• Tying work to a sense of vocation that gives it greater depth and commitment</li> <li>• Language, symbols and practices that can activate the moral imagination and encourage change in one's life</li> <li>• Rituals and approaches that heal, reconcile and unite</li> </ul>
<b>Theology and norms</b>	<ul style="list-style-type: none"> <li>• Human-centric, rather than state-centric</li> <li>• Built-in conception of positive peace and common good</li> <li>• Focus on solidarity and cooperative approaches rather than zero-sum approaches</li> </ul>

<b>Mobilization capacity</b>	<ul style="list-style-type: none"> <li>• Wide array of exemplars for peacebuilding, justice and reconciliation that can be presented to people as models</li> <li>• Ability to mobilize and motivate people by appealing to core values and spirituality</li> <li>• Networks of people, from the grassroots to international levels, to support initiatives and share experiences</li> </ul>
<b>Institutional presence</b>	<ul style="list-style-type: none"> <li>• Leaders at all levels with religious and moral credibility</li> <li>• Rooted, indigenous presence that can yield trust and staying power beyond other agencies or actors</li> <li>• Capability to integrate initiatives both vertically and horizontally, to maximize impact and improve strategic coordination</li> </ul>

**Table 2.** Assets of RFBA for peace, transitional justice and reconciliation.<sup>19</sup>

## 2.6 Normative approaches of RFBA

Like all civil society actors active around transitional justice, RFBA can play a role in influencing the normative priorities of any process that occurs, contesting, interpreting, adapting and contextualizing international justice norms. The global practice of transitional justice is founded on international human rights law and privileges accountability, in terms of truth telling, reparation and criminal prosecution. In contrast, for many – but not all – religious actors, reconciliation and forgiveness are central to their understandings of justice, suggesting a potential lack of resonance with the global accountability norm. Some RFBA stress the importance of renegotiating liberal secular practices, such as rights, so that they are compatible with their faith, and this may differentiate them from more secular civil society actors.

An organization’s conception of justice is a set of principled and causal beliefs about the role of justice and its relationship to other core values, including beliefs about the ways in which conflict resolution and post-conflict accountability strategies shape efforts to achieve peace, justice, truth and democracy. These highly contextualized understandings will shape how a particular RFBA positions itself around the addressing of human rights violations. Here a framework will be used that sees RFBA as having a range of potential normative attitudes:<sup>20</sup>

- **Norm makers:** an approach to justice derived from faith doctrines that typically stresses local context, emphasizing reconciliation and restorative justice over formal accountability and focused on bottom-up approaches rather than leaders;
- **Norm adaptors:** those who seek to adapt the international accountability norm to fit with local political constraints and culture and, in a religious society, can link local norms to international human rights norms;
- **Norm facilitators:** those who embrace and disseminate the global discourse of transitional justice, reflecting international expectations for accountability; and
- **Norm reflectors:** those who reflect local cultural practices and whose perspectives are closely connected to and rooted in local norms, including potentially in resisting transitional justice and human rights norms.

The articulation of these norms will occur when RFBA are seeking to advocate for or influence a national transitional justice process and when they seek to play a role in local and informal processes. Identifying the normative priorities of RFBA can allow other civil society actors to determine how – and whether – they seek to engage with them.



Image credit: Srdjan Popovic



Those RFBA that reflect local norms can become a focus for understandings that seek to maintain or advance the power of a group who is identified with that faith or religion. Examples notably include approaches that seem to contradict traditional faith-based norms, serving to actively exacerbate conflict and encourage division. Instances discussed here include:

- Nationalist Buddhist monks in Sri Lanka who mobilize Buddhism as an integral element of the Sinhalese national identity, in contrast with the “other” of Sri Lankan Tamils and Muslims. A similar phenomenon has been seen in Myanmar, in anti-Muslim rhetoric and action led by some Buddhist clergy.

Evangelical Protestants in Northern Ireland who similarly sought to integrate a Protestant, anti-Catholic identity into that of the Unionist side in the conflict and where Presbyterian ministers played an important role in heightening tensions between Nationalist and Unionist communities. Religious norms, however, can also be interpreted in ways that are not derived from or linked to human rights practice but are nevertheless highly complementary to the goals of transitional justice. Some examples are discussed below.

#### EXAMPLE:

#### Catholic teaching on action for peace

The oft-quoted opening of Vatican Council II’s *Gaudium et Spes* proclaims that the joys and hopes, grief and anguish experienced in our time – especially by the poor or afflicted – are the joys, hopes, grief and anguish of the followers of Christ. This fundamental Vatican document has called the Church to engage with injustice where it finds it and work with others in finding solutions to the world’s problems. Vatican II passionately called believers to cooperate with all, aided by Christ, “in securing among themselves a peace based on justice and love and in setting up the instruments of peace” (*Gaudium et Spes*, #77). And as the U.S. Catholic bishops strikingly affirmed 20 years after the Council in *The Challenge of Peace*, “Peacemaking is not an optional commitment. It is a requirement of our faith.”

#### EXAMPLE:

#### Buddhist teaching and truth telling after violence

The Buddha’s teachings on truth telling can provide a normative framework for truth telling after violence that complements that of a human rights–based approach. It can provide a concrete systematic framework and criteria for reflection, as well as decision-making on and communication of truth. The stage of reflection is considered the most important in determining the quality and outcome of truth telling, a step that appears often overlooked in contemporary practice. Peacebuilding can learn from the Buddha’s wisdom to enhance the work of truth telling and reconciliation by reflecting on the five criteria: (1) “Is it true?”; (2) “Is it good?”; (3) “Is it necessary?”; (4) “Do I have the power to convince the other person to return to the good way?”; and (5) “Am I worthy of speaking it?”, and by learning the five methods of truth communication: (1) speaking gently, (2) speaking with compassion, (3) speaking at the right time, (4) speaking clearly and slowly, and (5) speaking logically and meaningfully.

#### EXAMPLE:

#### Islamic shari’a law and transitional justice

Islamic law represents a normative framework that can encompass both retributive and restorative approaches to transitional justice. The Koran prescribes *qisas*, or just retaliation, for the crimes of murder, wounding and mutilation. *Qisas* are dealt with as civil cases, involving four stakeholders: the state, the community (e.g., tribe, clan or family), the victims and perpetrators. While the state is permitted to impose sentences such as imprisonment, the victim or their heirs (in case of his death) have the final word on whether to choose retribution or compensation. The victim may forgive and pardon the wrongdoer and see *diyyah* (blood money or compensation) paid.



## TRADITIONAL SPIRITUALITY AND TRANSITIONAL JUSTICE

In much of the world, traditional spiritualities and cosmologies remain hugely important, constituting a unique normative frame. Even in contexts where formal and often monotheistic faiths dominate, populations often combine their traditional beliefs with more formal religion. In such societies, the authority of the priest or imam will, for example, often be shared with a more traditional figure who mediates between the people and the spirits or ancestors who guide beliefs, as well as playing a role in customary local governance. As a result, efforts at creating informal transitional mechanisms – particularly at the local level – may demand an engagement with such guardians of indigenous spiritual tradition. While such figures are RFBAs, they tend to be highly decentralized and lack hierarchies that permit easy definition of common approaches or agendas across a relevant region or even that allow effective access to someone who can represent them.



Attendees pour libation during a remembrance ceremony, Baltimore, Maryland, August 23, 2012. Image credit: Middle Passage Ceremonies and Port Markers Project

The relationship between the dominant formal faith and traditional, indigenous spirituality is a colonial one, and it is important that any transitional justice intervention seek to at least acknowledge this. This may involve external actors looking beyond a strict human rights framework focused on the individual to understand collective legacies of violence, as well as impacts that the indigenous might understand as including the cultural, spiritual and environmental.<sup>21</sup> The traditional understandings that such figures articulate can be particularly important around issues of death and human remains, with ideas of the spirits of the dead, the importance of gravesites and their associated rituals (including burial, cremation or other means of honoring the deceased or missing) understood to be essential to the pursuit of community well-being. While few examples of such local customary RFBAs are discussed here, their potential relevance to transitional justice in any context should not be ignored.



Offering to ancestors at Historic Jamestown, Virginia, by a member of one of the location's oldest African-descended families. Image credit: Middle Passage Ceremonies and Port Markers Project

## II: ASSESSING THE SPACE FOR ACTION BY RFBAs

### 3. WHAT ARE THE SOCIAL FAULT LINES IN THE CONTEXT?

To understand the potential role of RFBAs in addressing legacies of violations, one must understand the nature of violence that has occurred or continues, the status of political transition and the political space for transitional justice, as well as the social and political position of particular RFBAs. Here a set of questions are outlined that seek to support this type of analysis, as a basis for understanding the positive role that RFBAs can potentially play.

#### **3.1 What is the history of conflict, repression and division in the country?**

Transitional justice is both a driver and the result of efforts to recover truths that have been hidden by various political agendas. Typically, in divided contexts, understandings of the past are not shared but serve to justify conflict and division. The priorities of a transitional justice process are likely to depend partly on how understandings of the past differ across societal divisions. The role of RFBAs will also depend on the role they are perceived to have played in the past.

- Is there a single history accepted by all around the nature/extent and causes of the conflict?
  - Is there a consensus about one of these (nature/extent or cause) but not the other?
- If not, what is the basis for the difference in understanding? That is, are those who disagree defined by their different ethnicity/religion/region/language/other characteristic?
- What are the impacts of this difference in how people live together or perceive others?
- What is the role of religion or ethnicity, and of particular RFBA, in how the past is understood?

#### EXAMPLE:

#### Northern Ireland: no consensus on causes of conflict

All actors in Northern Ireland continue to operate in the absence of a consensus about the causes of the conflict: There remains “a conflict about what the conflict was about.” In contrast, in South Africa, before the establishment of the Truth and Reconciliation Commission (TRC), the cause of violence – racial apartheid – was well understood, so the TRC was an inquiry into the nature and the extent of the conflict. In Northern Ireland, in contrast, there is a lot of data on the nature and extent of the conflict, and the debate is about the causes of the conflict that demand an engagement with the historical imbalance of power and injustices of the past.

If communities are divided by their different understandings of the past, then some form of truth telling may be a way that RFBA can contribute to addressing those divides. This is particularly true if religion is used to justify a certain view of the past, which can then be challenged by RFBA in communities where they enjoy trust. The nature and scope of the truth telling required should then ideally seek to map onto the divergences between different communities’ understandings.

#### EXAMPLE:

#### Bosnia, divergent understandings of the war

The vicious conflict in Bosnia driven by perceived ethnic identity was in part based on histories that presented a particular ethnic group as a historical victim of others, going back to World War II and beyond. While the armed conflict is over, reconciliation and an end to interethnic tension is particularly challenged by the continuing circulation of contradictory narratives about war and prewar events. War criminals, even those convicted in front of the International Criminal Tribunal for the Former Yugoslavia (ICTY), are seen to be heroes by all ethnic groups – Bosniaks, Serbs and Croats – for defending “their people” during the war. Separate curricula and schools for Bosniaks, Serbs and Croats in many regions are decisively contributing to maintaining mutually exclusive and contradictory historical records.

### 3.2 How are identity and community understood in the context, and how do these map onto religion and faith?

The needs for transitional justice in any context and the role that RFBA can play will both be driven by the nature of the conflict that preceded transition. One added value of RFBA is the relationship they have with the communities they represent, so this relationship – and how it maps onto the divides of past violence – must be understood. This begins by understanding how communities identify themselves and the role in this identity played by religion or faith.

## EXAMPLE:

### The role of religion in identity, Northern Ireland

While the conflict in Northern Ireland is often presented as a religious one, many see it as having arisen between two communities struggling over power and the political orientation of the province. The two sides, Unionists, who wanted to maintain the link with the UK, and Nationalists (or Republicans), who wanted to become a part of the Republic of Ireland, were also divided by their religion – with Unionists being overwhelmingly Protestant and Nationalists, Catholic. As a result, religion became a marker of the conflict and drove sectarian violence. That religion is a component of identity and not a root source of conflict is revealed in a common joke:

*A journalist, researching an article on the political situation in Northern Ireland, was in a pub in a war-torn area of Belfast. One of his potential informants leaned over his pint of Guinness and suspiciously cross-examined the journalist: “Are you a Catholic or a Protestant?” he asked.*

*“Neither,” replied the journalist. “I’m an atheist.”*

*The Irishman, not content with this answer, put forth a further question: “Ah, but are you a Catholic atheist or a Protestant atheist?”*

## HOW ARE IDENTITY AND COMMUNITY UNDERSTOOD IN THE CONTEXT?

- How do populations in the context articulate their identity?
  - How does this map onto understandings of community, and what is the relationship of such identities to conflict or divisions?
    - Ethnicity/race/religion/geography/language/social class/political ideology

- Is religion a driver of conflict, or does the conflict have racial, religious, political or economic elements for which religion is a proxy?
  - Is religion primarily an identity in itself or a significant constituent of an ethnic identity?

In many contexts, religion is not a driver of conflict in itself but a marker of a particular identity (such as an ethnic identity) that defines the parties to the conflict.

- How do common understandings of identity and religion link to RFBAs?
- Do affected communities have an affiliation with one or more RFBAs?

## EXAMPLE:

### Religion as a constituent of ethnic identity

In many contexts, religion is one constituent of an ethnic identity: for example, Sri Lanka, Northern Ireland, Cyprus, Bosnia, among many others. Conflict is rooted in how communities identify themselves (and their relative access to political, social and economic power). Religion is not a primary factor in conflict but one that is visible because of its relationship to ethnicity.

This is often a legacy of colonialism, which created favored communities along ethnic lines, including through colonial and post-colonial settlement policies. Additionally, conflict polarizes communities, increases divisions and often inflates the visibility of religion as a source of identity. In some cases, this leads to religious sites being targeted. In some contexts, ethnic nationalism is conflated with the religion of that group, as in “Buddhist nationalism” among the Sinhalese in Sri Lanka and the Bamar in Myanmar, or the “Protestant Unionism” of Northern Ireland.



Where communities on either side of the divides that drove past violations have allegiance to particular RFBA, these religious actors can play an important role in both peacebuilding, by leading their communities and engaging with other RFBA, as well as supporting justice efforts.

### EXAMPLE:

#### Tunisia, religion as a constituent of political identity

In Tunisia's transitional justice process religious faith was seen as a political identity due to political tensions between Islamist and secular politics and the fact that the dictatorship's repression had targeted Islamists in particular. As a result, victims were divided according to such identities, with policies that offered reparation to victims of the dictatorship seen as politically biased since they rewarded those who largely supported the Islamist political party. As a result, throughout the transitional justice process victims were both divided and exploited politically, according to their perceived identity as either secular or Islamist.



The start of the Ennahda party campaign in Sidi Bouzid, Tunisia, 2011.  
Image credit: Creative Commons

### WAS THERE A RELIGIOUS ASPECT TO VIOLATIONS THAT HAVE BEEN COMMITTED?

In some contexts, violations had a religious dimension, with particular faiths or particular types of adherents targeted.

- Was there a religious dimension to violations committed?
  - Did violations target people on the basis of their faith or on the basis of an identity – such as ethnicity – of which faith was a part?

### EXAMPLE:

#### Tunisia, violations against Islamists

In Tunisia, under the Bourguiba and Ben Ali secular authoritarian governments, those who saw a role for Islam in politics were characterized as terrorists and mercilessly repressed. As a result, Islamist political parties like *Ennahda* faced repression and their members were subject to harassment, arrest, imprisonment and exile, often detained for long periods of time, tortured while in detention and persecuted after their release. As a result, many victims of the regime were those who were particularly religious and saw Islam as something that should inform politics.

Where religion was an intrinsic part of the conflict, or where social divisions mapped onto ethnicities that were linked to particular faiths or confessions, RFBA may be perceived as either particularly relevant or as potentially problematic peacebuilding and transitional justice actors.

- If there was a religious dimension to violations committed, did this involve a particular RFBA as a victim or a perpetrator?

RFBA may have been victims of violations or have been bystanders who resisted injustice by seeking to stop violations, or – in contrast – have been complicit in supporting or tolerating violations. The historical position of any RFBA toward violence and violations of the past will determine both their moral authority and legitimacy in seeking to advance transitional justice and potentially demand that they take action (such as through apologies or reparation) in response to their past action or inaction. This is explored further in Section 4.4.

### 3.3 What are the particular roles of women and youth in violations and in addressing legacies of those violations?

In all contexts, different communities will have different relationships with past violence and differing roles in addressing their ongoing legacies. Here we emphasize the importance of ensuring that any approach to transitional justice incorporates an engagement with both women and youth, with an understanding of the particular impacts of violations on them and how they can play special roles in any process to address them.

#### GENDER

A gendered approach to transitional justice means understanding that women and men are affected differently by human rights violations and will have different needs from a transitional justice process and different ways to contribute to it. The global practice of transitional justice has become increasingly aware of how violations and crimes affect men and women differently, not only in relation to the issue of sexual violence but also in terms of the consequences of violations that are highly gendered. For example, while men are typically subject to enforced disappearance, women are left behind to both search for the missing and support families in their absence. Similarly, when communities are subject to violations of social and economic rights, women may be left to find ways to manage household budgets while often making the women themselves more dependent on husbands.

At least as important as understanding the different impacts violations have on men and women is ensuring that meaningful processes to address those violations account for the ways in which women are often marginalized in social and political spaces where those processes are developed. Making sure they can play a significant role in shaping and implementing transitional justice measures will have a large bearing on the sustainable impact of these efforts. Indeed, an approach that emerges naturally from efforts to ensure that transitional justice is gender sensitive should be emancipatory: It should seek to empower women more generally, not only giving them access to and influence over transitional justice processes and their development but also serving to support them in taking a larger role more broadly, socially and politically. While

sexual violence has become a focus for a gendered approach to transitional justice, by focusing narrowly on one element of gender injustice, such as sexual and gender-based violence, one can fail to address the various structural and social factors that cause and perpetuate it in the first place. It is necessary to adopt more holistic approaches to tackling gender inequality and injustice to meaningfully disrupt their causes. Since gender-based marginalization, violence and inequalities are social constructions, the right kinds of interventions can reconstruct gender on more equitable terms and interrupt gender-related violence. The ultimate goal should be “gender justice” in the widest sense. Gender equality cannot, however, be achieved by typically temporary transitional justice mechanisms alone. Rather, transitional justice — along with the local CSOs promoting it — should lead the way in integrating gender justice into the processes of all reforms so that it will retain a central role in the new political order that follows the transitional period.

CSOs seeking to work with women in transitional justice should ensure they are engaged at all levels, as part of the CSO itself and prioritized as being equally represented in all the work with communities and RFBA. Given that most faith-based organizations overrepresent men and, in some cases, actively exclude women from certain roles, this can be a challenge in such work.

#### Operationalizing a gender-sensitive approach to transitional justice

The following questions seek to guide an approach to operationalizing a gender-sensitive approach to transitional justice and can inform any engagement with a transitional justice process, formal or informal, and with or without an engagement with RFBA.<sup>22</sup>

- **How is gender relevant to the objectives or goals being pursued, and how can approaches reflect those considerations?**

This question helps shape the understanding of the nature of violations committed and the gender-specific impacts in a particular context so that programs and initiatives can be designed to take full account of gender and include women and all victims of gender-based violations. Answering this question may involve talking to local partners, consulting with victims or undertaking different forms of research.

- **What is the interplay of gender identity with other identities (class, ethnicity, race, religion, geography)?**

Not all women (or all men) share the same needs and perspectives; rather, these are deeply shaped by class, religion, age, ethnicity and other factors. Each of these factors will play a role in shaping an individual's identity, experiences and perspectives. As such, it is important not to generalize across diverse populations but rather consider the ways that a range of factors, including gender, influence individual and group perspectives. When working with RFBA, it will be important to consider how gender and the tenets or practices of faith interact.

- **What are the possible barriers to the inclusion of women and victims of gender-based violations?**

Each transitional justice context will have its own set of challenges to conducting work on gender issues. Potential barriers could stem from discriminatory laws, both formal and customary, or from societal norms that shape how people are expected to behave and the roles they are expected to occupy based on gender. These can include those promoted by RFBA and demand that the view of RFBA be confronted.

- **What is needed to ensure a gender-sensitive approach is sustainable?**

Integrating a gender-sensitive approach to civil society work in transitional justice can be made sustainable by using inclusive language in documents and goal setting, emphasizing approaches that prioritize gender-sensitive needs, training staff to understand and integrate gender-sensitive actions in their everyday operations and interactions and ensuring that women are equally represented everywhere and where women victims or community members can access them.

**EXAMPLE:**

**Tunisia: “Transitional Justice is Also for Women” Network**

As the transitional justice process unfolded in Tunisia, it was recognized that women, and women's groups more generally, from outside the capital of Tunis were being left out of discussions. The International Center for Transitional Justice (ICTJ) facilitated the creation of a network of women victims' groups called the “Transitional Justice Is Also for Women” Network. The network has played a key role in increasing collaboration among women's groups, enabling them to more effectively contribute to the design and implementation of transitional justice processes. At the start of the Tunisian Truth and Dignity Commission's (TDC) statement-taking process, women victims represented only 5% of submissions. In response to this low number, ICTJ worked with the network to host a series of workshops to build the capacity of women victims to submit statements. By the end, the percentage of statements submitted by women had increased nearly fivefold, to 23%. ICTJ and the network worked together to facilitate a historic collective submission to the TDC of some 140 women targeted by the dictatorship for wearing a veil.

**Challenges and opportunities to advance a gender-sensitive transitional justice process when working with RFBA**

Transitional justice often fails to adequately deal with the multidimensional issue of gender justice. This is partly due to the way women are treated during conflict situations but also due to women's roles in societies in general, roles that are often reinforced and encouraged by religious actors. As such, one potential challenge in seeking to advance a gendered transitional justice process while working alongside RFBA is that such actors may not be committed to an emancipatory and rights-based approach to gender justice. This problem can be compounded because those designing transitional justice processes increasingly try to be more culturally sensitive and not be seen as directly promoting Western individualism



and universalism. A focus on culturally sensitive approaches to justice makes it easy to allow gender injustice and the suppression of women's rights to continue, including by referencing local religious and cultural norms.

To counter this, all transitional justice work should seek to incorporate gender concerns from beginning to end in any intervention or initiative. Gender must be considered from the design and planning phase, including in defining goals, through implementation and evaluation. As such, any intervention to work with RFBA should include specific programmatic objectives that aim to affect women's lives. That can start with identifying the problems transitional justice is seeking to address in a given context and then assessing how those problems may be exacerbated or influenced by gender differences and inequalities.

When engaging RFBA around such agendas, a diplomatic approach may be required to ensure the buy-in of a particular RFBA if they are not entirely supportive of the gender approach being taken. This can be supported by engaging with actors in the institution that are supportive, particularly if women RFBA can be mobilized: In contrast with their marked absence at the highest levels of decision making in religious institutions, women play a pivotal role in religious life. Additionally, religious communities are rarely monolithic, and in most faith-based contexts, a plurality of understandings exists, and some of those understandings may be more committed than others to advancing gender equality. In this way, RFBA can be persuaded to support the approach on their own terms, rather than seeking to impose a human rights lens that may not resonate with them. If an RFBA asserts a position on gender that challenges a human rights-based approach, then the CSO leading the action must decide whether that is an actor they can continue to work with.

#### EXAMPLE:

### **Musawah — a global movement for equality and justice in the Muslim family**

Musawah ("equality" in Arabic) brings together NGOs, activists, scholars, legal practitioners, policy makers and grassroots women and men to promote and protect equality and justice in the family and society. The movement is led by Muslim women, who seek to publicly reclaim Islam's spirit of justice. It uses a framework that integrates Islamic teachings, universal human rights, national constitutional guarantees of equality and the lived realities of women and men. Musawah's objectives are to build and share knowledge that supports equality and justice in the Muslim world; build a critical mass of organizations, groups and individuals that support, use and promote the Musawah Framework for Action and are empowered to engage in the public discourse on Islam and women's rights; and support the work of human rights mechanisms as well as groups and individuals working with these processes at the international, regional and national levels to advance equality and justice in the Muslim family. ([www.musawah.org](http://www.musawah.org))

#### YOUTH

Youth have a particular place in transitional justice: While many young people may not have been actively aware of past violations, children and youth are among the most vulnerable individuals to the effects of conflict and gross human rights violations. More than this, as a forward-looking approach to the past, transitional justice aims to create a just and fair society that the young will inherit; in many post-conflict contexts, they comprise a majority of the affected population. They are a key constituency responsible for consolidating the new political order, building democratic values and sustaining peace. As such, youth should be at the center of transitional justice processes, and in recent years, children and youth have been increasingly included in them. The evolution of the child rights framework has led a growing number of transitional justice measures to devise strategies and put in place structures that create a safe

space for children and youth to contribute to and participate in mechanisms, as both victims and members of transitional societies. Here approaches are outlined that allow transitional justice practitioners and civil society groups interested in child and youth participation to craft programs and activities that are sensitive to the needs of young people.

Children and youth are prone to being left out of the process. Because of their age and social status, they are often excluded from decision making and may not always be perceived as equal rights bearers in the process. It is rare that young people are genuinely represented by civil society organizations.

The following represent some guidelines to formulating approaches to engaging with young people:

### General considerations when crafting youth-oriented programs

All activities with youth should be led by the best interests of the child or young person and must ensure security and protection, as well as psychosocial support and emotional well-being, particularly where youth are victims of violations. It may be appropriate to seek to partner with youth organizations and their networks, and this could include the youth groups of relevant RFBA. Principles that should drive work with youth include<sup>23</sup>:

- **Respect:** the fundamental principle underpinning an effective approach to engaging youth in transitional justice processes. This respect comes from an appreciation of youth's role in pushing for social and political change and entails a recognition of young people's agency and of their lived reality. It also calls on practitioners to refrain from taking a patronizing approach.
- **Identify the right partners:** Human rights CSOs may not have the best links to youth and as such should look to work with active groups already engaged in issues related to the objectives of transitional justice. This will likely have to go beyond formal organizations and engage with social movements that may have loose and horizontal structures.

- **Develop meaningful two-way partnerships:** Practitioners should not look to what they can do for youth but rather, together with youth and other key stakeholders, explore how to jointly shape a strategy and push a process forward. This approach involves pushing the boundaries of what has traditionally been considered as transitional justice.
- **Open and protect spaces for youth-led action:** Creating spaces for young people to exercise political agency can challenge political elites, and CSOs can play an important role in protecting their space for action.
- **Focus on process, not only outcomes:** A focus on process is perhaps the most important programmatic approach to keep in mind when engaging youth in transitional justice or related work. An eliciting, process-focused approach calls on practitioners to provide the space, resources and scaffolding but leaves the final outcome blank, to be co-created and filled in by youth themselves.

### Shaping the content of youth-oriented programs

Materials used with youth should be age appropriate, targeting the relevant audience. In many contexts, adult materials can be modified to be more accessible and relevant to young people or simply used as they are but with a different form of facilitation. New media tools, such as social networks, blogs and photo-sharing pages, and video streaming sites, such as Facebook, Twitter, Instagram and YouTube, can both extend the reach of such materials and make them more attractive to young people, in contexts where internet access is widespread.

Activities with youth should be creative and culturally sensitive and promote active participation and a pedagogical perspective.

## EXAMPLE:

### Peru – Promotores de la Verdad

After the Truth and Reconciliation Commission of Peru began, the PROVER initiative (Promotores de la Verdad, or “Promoters of Truth”) was to engage youth from universities all over the country in the truth-telling process by training them about the conflict and its legacy. The goal of the program was to promote civic consciousness and active participation in society. What started as a creative but limited idea soon became a very large and sophisticated project, with approximately 800 participants aged 18 to 25 years. Through PROVER, youth volunteers became active participants in the work of the commission, engaging in such methods as taking testimony, disseminating information and creating community forums. After the PROVER program officially ended, young volunteers became “memory workers” and continued to use other means, including arts and memorialization initiatives, to promote the legacy of the commission and its work. Although the capacity to follow the group was limited after the TRC dissolved, in 2004 a group was created at the Catholic University of Peru to conduct follow-up, and in 2005 the group launched a national training/academic program on democracy leadership that seeks to connect democracy and human rights topics with memory issues.

## EXAMPLE:

### Cambodian Genocide Education Project

An educational project led by civil society that was directly incorporated into the formal education system is the Genocide Education Project of the Documentation Center of Cambodia (DCCam). Launched in 2004 with the creation of the Extraordinary Chambers of the Courts of Cambodia (ECCC), the project assisted the Ministry of Education in creating an expansive program targeted at Cambodian schoolchildren who, until recently, were largely unaware of the history of the Cambodian genocide. The culmination of the first phase of the project was a textbook, titled *A History of Democratic Kampuchea*, which was distributed to 259 high schools around the country in 2007. The textbooks were distributed when the ECCC began its first trial and helped to spread awareness about the country’s history as well as continuing efforts to bring top-level perpetrators to justice. More than 500,000 copies of the textbook have been delivered to schools all over Cambodia. In early 2008, DCCam initiated the second phase of the program, which included the creation of teaching materials, the implementation of teacher-training workshops targeted at national and provincial educators, and the translation of the original textbook into five additional languages. [http://d.dccam.org/Projects/Genocide/Genocide\\_Education.htm](http://d.dccam.org/Projects/Genocide/Genocide_Education.htm)

## Follow-up and legacy building

To institutionalize efforts to engage youth in transitional justice, all programming should include follow-up activities that can continue beyond the end of a particular program and potentially beyond the transitional justice process itself. In particular, these can seek to ensure that elements of an engagement with past violations are incorporated into structures, such as the education system, including school curricula and among youth networks. When partnering with RFBAAs, this can be done through their youth groups and educational structures, including both formal and informal schooling (such as Sunday schools).



## 4. WHAT RFBAS ARE PRESENT IN THE CONTEXT, WHAT IS THEIR PERCEIVED LEGITIMACY AND PRESENCE, AND WHAT NORMATIVE APPROACH DO THEY TAKE TO TRANSITIONAL JUSTICE?

### 4.1 What RFBAs are present?

The assessment must begin with understanding the types of actors that are being discussed in the assessment. This step of the assessment process should constitute a mapping of those RFBAs present in the context, and this section begins by seeking to produce a list. The remaining questions of this section can then be asked independently of each actor. The list should include:

- Institutionalized religious actors such as churches and religious leaders recognized by the state;

- Other churches and religious bodies or leaders, particularly those with a significant following;
- Traditional faiths, where figures in local communities may play a large role; and
- Political actors that are religiously driven.

In making the list, identifying any actors of greater relevance for transitional justice may be worthwhile:

- Are there any religious bodies or figures that are respected by all communities and political actors?
- Are there particular individuals, at the national or regional level, who have the charisma and breadth of respect to lead on transitional justice issues beyond their own institutional position?

Such actors could be assessed independently using the questions below.

Remaining questions should be addressed separately on behalf of all relevant RFBAs in turn.



The Mosque in N'Zérékoré, Guinea. Image credit: UNDP/Anne Kennedy

## 4.2 Where is the actor present, and how is it perceived? Is the actor present throughout the territory, or does it represent a particular community or communities?

This section seeks to understand the relationship of the actor to communities, particularly those with whom the RFBA has a pastoral relationship, as well as those who represent the “other” of the conflict.

- How widespread is its physical presence?
- Is the RFBA present across the territory or only in particular regions?
- Does it have a relationship with grassroots communities? How?
- Are clergy or others present at the grassroots level in communities, and do they thus have deep relationships with them?
- To what extent is the RFBA trusted – by its own constituents and by others?
- Does the RFBA have an antagonistic relationship with any particular community as a result of its perceived loyalties?

For an RFBA to be a useful actor in transitional justice and peacebuilding, it must have trust and legitimacy, at least with the community it represents and ideally more widely.

In contexts where division has a religious element, it is likely that any one RFBA can represent or work closely with only their own community. In such a context, it may be desirable to focus on seeing how RFBA from both sides can work together, as both an example to their communities and to increase understanding across community divides.

## 4.3 What relationships does the actor have with the state and others?

Beyond what might be called its own constituency, it is necessary to understand the relationships the RFBA has with the state – potentially close or antagonistic – as well as with others, including international networks.

- Is the actor visible on the national stage?
  - Does it have a political role, or do politicians defer to it?

- Does it have links and influence – formal or otherwise – with national institutions, political parties and figures?

An actor, whether an institution or an individual, can use the fact that they are known and respected by communities to influence the state and politicians. In some cases, RFBA will have good relations with particular political figures and can use such connections to advance transitional justice.

Some RFBA are explicitly political actors and may have access to power in ways that can support transitional justice. However, such political figures may also have agendas that are either less inclusive (if they represent a particular faith community) or that are not always consistent with the goals of transitional justice. As such, RFBA’s engagement with politics should be understood as something that can increase their influence but also reduce their legitimacy.

### EXAMPLE:

#### Northern Ireland, The Rev. Ian Paisley

Paisley founded the fundamentalist Protestant Free Presbyterian Church in Belfast in 1951 and soon after became directly involved in politics, leading the Democratic Unionist Party. His sermons and speeches were perceived to inflame sectarian division and led to Catholic nationalist homes and businesses being attacked and supported Protestant paramilitary groups. As an elected representative of his community, he was responsible for sustaining conflict and polarizing people. However, while he initially opposed the Good Friday Agreement that ended the conflict, he ultimately agreed to share power with nationalists and became first minister in the province in May 2007.

His career demonstrates both the threat of RFBA as drivers of conflict and their potential as peacemakers. It was precisely his history as a “hardliner” in his community that gave his joining the peace process the impact it had.

An important source of support to RFBA are their networks. Beyond those in the context, these include international links that can provide transnational solidarity and examples of lessons learned and positive experiences from elsewhere. Such

links can be to other RFBA, such as offered by the Catholic Church through the Vatican or international church networks, to governments that wish to support the struggle for justice and international NGOs and civil society that can offer technical and financial resources.

- What are the RFBA's international links, to other RFBA, governments or others?
  - Do these links influence their role or approach to conflict or transitional justice and their capacity to act?

#### EXAMPLE:

#### Tunisian political party, Ennahda

Ennahda is a Tunisian political party with an Islamist orientation that calls itself a Muslim democratic party. Its leaders and members were subject to extreme repression under the dictatorship of Ben Ali prior to Tunisia's 2011 revolution, and following the revolution they were able to operate openly and joined the first democratic government. They are an RFBA of a particular sort, since they are a political party, backed by a broader social movement. Like all RFBA they enjoy the trust of those who support them, but this is a political rather than a religious identity in a country where almost all are Muslim and many citizens are highly secular. One result of this is that Ennahda is highly polarizing: While being very popular and winning a third of the vote in elections, they are bitterly resented by secular Tunisians who consider them a threat to women's rights and democratic values.

- Can the RFBA use its networks to lead by example in some way, such as building relationships with figures from across the divide of conflict or through forgiveness?

#### EXAMPLE:

#### The Catholic Church in Latin America and the Vatican

At a time when right-wing military regimes were rising in the region, the Catholic Church in Latin America was bolstered by the ecclesiastical renewal that came from the Second Vatican Council (1962-1965) and later by the II Episcopal Conference held in Medellín, Colombia. These policy positions of the Church, coming from the highest levels of the hierarchy, were highly receptive to political challenges and participation to collaborate in efforts to foster development. The pastoral proposals from Medellín are aimed at promoting development to bring the poor out of oppression that inhibits a dignified life for most of the population. This gave Church representatives at all levels the space to become engaged in struggles around peace and justice in the region, inspiring much of both the resistance to dictatorship and the transitional justice practices that were developed in the region.

#### 4.4 What was the role of the actor over the course of the history of conflict and/or violence and in the transition period?

This section will seek to develop an understanding of the relationship between the RFBA and histories of right violations, whether this is one of complicity, victimhood or resistance. This will be used to develop an analysis in terms of the legitimacy of such actors in the eyes of both the general population and in relevant sub-populations. It is then necessary to understand whether the RFBA has taken positions toward transitional justice and, if not, why not?

- Has the concerned actor been implicated in engaging or being complicit in violations committed by the state or others in the past?
  - Did the RFBA offer support to those committing violations? In what way?
  - Does this implicate the entire institution or only particular actors?
  - To what extent was the RFBA autonomous of the state committing such violations? What prevented it from being more autonomous?



- Has the RFBA done anything to distance itself from those actions, to take responsibility or to ensure accountability?
- What could the RFBA do to account for this part of their past?

### EXAMPLE:

#### Churches in Northern Ireland

Churches in Northern Ireland have been willing to undertake large-scale “self-audits” of their response to violent conflict and involvement in transitional justice/peacebuilding processes and projects. They have produced a number of publications, both collectively and as individual churches, that engage with sectarianism and the broader role of institutional churches in the conflict. Many of these seek to explicitly engage with both truth telling and reconciliation in the province.

- Was the RFBA a beneficiary of historical injustices?
  - How?
  - What could be done to address this issue?

### EXAMPLE:

#### The Romanian Orthodox Church

The Orthodox Church in Romania is the country’s largest religious denomination, claiming the allegiance of 80% of citizens. Under the Communist regime, the Church became an unconditional supporter of communist policies in return for the government’s toleration of a certain level of ecclesiastical activity. Even as the Church was persecuted, its leaders condoned the regime’s actions and collaborated with the authorities. When the regime fell in 1989, amid great criticism, the Church apologized for its role but has avoided any moral self-examination and never openly admitted to collaborating with the Communist authorities or the secret police. Despite this, the Church

remains one of the most trusted institutions in the country and has significant political influence. The Church has also refused to return property of the Greek Orthodox Church that it was given during the Communist era, demonstrating the Church’s lack of commitment to engaging with its often problematic past.

- Is there the potential for the RBFA to account for its own actions in the past, through truth-telling or reparative approaches?
- Was the RFBA publicly resistant to the commission of violations in the past, through making public statements and/or supporting others who were opposing them in various ways?
  - Does the RFBA enjoy moral authority among the population as a result of this past action?

### EXAMPLE:

#### The Archbishop of Lima and the Peruvian TRC

In August 2003, when Peru’s Commission of Truth and Reconciliation presented its report on the violence and human rights violations that occurred between 1980 and 2000, it gave significant praise to both the Catholic and Protestant churches for their defense of human rights and for the pastoral care that they extended to the victims of the violence. But not all church people were so positively portrayed. In the report, the archbishop of Lima, Juan Luis Cipriani, a member of the highly traditional Opus Dei group within the Catholic Church, is singled out for not defending human rights and for not fulfilling his pastoral mission while he was auxiliary bishop and later archbishop (1990–1999) of Ayacucho, the home of the Shining Path in the central Andes. In angry retorts the archbishop rejected the findings of the report, as did an Opus Dei congressman and several members of the military.

- Do international relationships affect the positions taken by the RFBA and attitudes toward it (e.g., the Catholic monarchy in Spain as an institution during the Spanish inquisition and its “long-arm” into its territories and other states)?

**EXAMPLE:**

**The South African Council of Churches**

The South African Council of Churches (SACC) was heavily involved in supporting the anti-apartheid movement: The church’s opposition to apartheid was a battle for justice that built the legitimacy of the church as a political actor with real power to promote social change.

- Are there particular individuals within any RFBA who enjoy greater authority and legitimacy than the institutions as a whole?

While religious institutions enjoy the trust of those communities who follow them, there is significant space for charismatic, courageous and committed individuals to achieve more with some distance from the institution. This can be linked to both asserting some independence (see Section 4.5, below) and to being able to operate free of the institutional hierarchy.

**EXAMPLE:**

**Guatemala, Monsignor Gerardi**

Monsignor Juan José Gerardi Conedera, sought “to promote genuine indigenous pastoral care, so that the Church in Guatemala became closer to the Mayan peoples,” who were being targeted by the military regime. The Church recognized that the State had not fulfilled its responsibility to the people but instead had served to advance the interests of certain landowners and the military. While in exile, Monsignor Gerardi led the Guatemalan Church in Exile, which issued periodic publications about the massacres that years later became the first evidence of the genocide against the Mayan people. In 1984 he was appointed archbishop and



Monsignor Juan José Gerardi. Image credit: Prensa Libre, Guatemala

created and coordinated the Archbishop’s Human Rights Office from 1989, which led an independent truth commission, the Recovery of Historical Memory Project, which was sponsored by the Catholic Church. He was killed in 1998 by three army officers, two days after the project report was published.

**4.5 How autonomous of the state is the actor now?**

Effective engagement of RFBA in transitional justice demands some autonomy from the state. While proximity to important political actors can be positive, overly close relationships can lead to perceptions that an RFBA is insufficiently independent of the state’s position.

- To what extent is the actor independent of the state and able to speak and act against state policies?

- Has the RFBA undertaken any action or made statements about the transitional justice process – for or against?
- Has the RFBA shown itself to be able to contradict or critique the authorities and/or their actions?
- What is their status or function within the state?
  - Does this status give the state any control over their activities?

#### 4.6 What is the RFBA’s normative approach to transitional justice, and how has it articulated this?

It is important to understand the normative approach of an RFBA. Given that some articulate very negative perspectives on rights and justice, reflecting local perspectives that are rooted in the views of only one community, those that can advance transitional justice must be seen to have a normative frame that resonates with the goals of peace and justice. The goal of this part of the analysis is to understand, with the aid of the typology shown in Figure 1, the extent to which the RFBA has an approach to justice that is consistent with human rights norms.

- What has the RFBA done or said to date of relevance to transitional justice?
  - Has it made advocacy around general or specific claims?
  - Has it advocated in favor of any specific justice mechanisms or approaches?
- Has the RFBA used its position and influence to target other communities in a way that demonstrates its lack of commitment to universal human rights and conflict resolution?
- What normative perspective is apparent from this engagement to date?
  - Is there other evidence of the perspective of the RFBA in particular with reference to the human rights agenda?
  - In light of the apparent position of the RFBA, what type of normative actor is it – in terms of the typology shown in Figure 1?

**Norm makers:** an approach to justice derived from faith doctrines, emphasizing reconciliation and restorative justice and focused on bottom-up approaches;

**Norm adaptors:** adapt the international accountability norm to fit with local political constraints and culture;

**Norm facilitators:** embrace and disseminate the global discourse of transitional justice; and

**Norm reflectors:** reflect local cultural practices and are closely connected to and rooted in local norms.

Figure 1. A typology of normative approaches of faith-based actors

#### EXAMPLE:

##### **Norm maker — Guatemala, the Catholic Church — a faith-based approach consistent with human rights**

The Catholic Church in Guatemala established a direct relationship between growing the Kingdom of God and human development. It insisted on a theology of salvation, understood as liberation, with two interlinked aspects: one of liberation understood as liberation from sin in its various dimensions, and human liberation, not only in the individual sense but also in welcoming social reality and where it must influence structural transformation. This presupposes the acceptance of conversion and reconciliation with God and with others and overcoming the temptation of violence.

This represents a commitment to not only advance the spiritual goals of the Church but also to see liberation as a question of social justice, in overcoming oppression. In the context of the military dictatorships in Guatemala and the wider region, it demonstrated a commitment of the Church to address injustice and – implicitly – to support transitional justice.



### EXAMPLE:

#### Norm reflector – Uganda, the Acholi Religious Leaders' Peace Initiative

After two decades of war ravaging northern Uganda, the Acholi Religious Leaders' Peace Initiative (ARLPI), representing all major faiths in the region, tried to support peace. The status of ARLPI as religious leaders and their links to church networks have been crucial. Christian churches, in particular, have been formidable institutions in Uganda and can transcend ethnic, geographic and political divisions. The ARLPI emphasized reconciliation and local approaches to legacies of violence and an explicit rejection of the prioritization of criminal accountability seen in international and human rights framed approaches. The ARLPI rejected the engagement of the International Criminal Court and rather sought to end conflict by making links to rebel fighters in the bush and seeing them as victims and not only perpetrators. The passing of an amnesty law strengthened this position and supported their efforts at dialogue with rebels.

When rebel fighters did return, traditional Acholi reconciliation processes, involving rituals made in front of communities (known as *Mato Oput*), allowed communities to welcome former combatants, even when they had committed atrocities.



Archbishop Desmond Tutu at the COP17 "We Have Faith: Act Now for Climate Justice" Rally in Durban, South Africa, November 27, 2011. Image credit: Creative Commons

### EXAMPLE:

#### Norm adaptor – South Africa, Desmond Tutu, archbishop and TRC chair

When Desmond Tutu brought his stature and charisma to the role of chairing the South African TRC, he very consciously melded global notions of rights with Christian concepts of reconciliation. The concept of a truth commission came from human rights-based practice, and the TRC was formulated in terms of violations defined by international law. However, the innovation of the TRC was the idea of amnesty in exchange for truth, an approach that was driven by the need to avoid prosecutions of leading figures in the apartheid regime who had the potential to disrupt the transition to democracy. This highly pragmatic approach was, however, wrapped in rhetoric derived from Christian ideas of reconciliation and forgiveness and linked to the traditional African concept of *ubuntu*. The result was a much lauded process that emphasized its principal goal to be "healing" (of both individuals and the nation), understood to be delivered through reconciliation and forgiveness.



Members of the Asian and the Pacific Sites of Conscience network reunited in Dharamsala, India, to discuss their regional work. His Holiness the 14th Dalai Lama visited the team during one of the network's sessions at the Tibet Museum.

## 5. WHAT IS THE STATUS OF THE TRANSITIONAL JUSTICE PROCESS, WHAT ARE THE NEEDS IN THE CONTEXT AND WHAT ARE RFBAS DOING OF RELEVANCE?

This section demands an analysis of the state of any transitional justice process – if indeed there is one – and what contribution RFBAs are making and could make to advance such a process. From there, one can move toward strategies for engaging such actors to take future action.

### 5.1 What is the status of the transitional justice process, and what action is happening?

This demands an analysis of the status of the transitional justice process to understand the needs and can best be approached by analyzing at what phase the process is and what particular value RFBAs can add, now and in the future. RFBAs can also support and catalyze local, informal processes at any point, even in the absence of any formal transitional justice process.

#### EXAMPLE:

#### Norm facilitator — the Catholic Church in Chile

In the struggles to topple the dictator Pinochet, soon after he took power, the Catholic Church in Chile led a coalition of churches in the Committee for Peace, which in 1976 became the Vicariate of Solidarity of the Catholic Archdiocese of Santiago. This gave moral and legal assistance to the victims of political repression and their families, documenting cases meticulously and producing numerous reports on the overall human rights situation in Chile. This was one of the only significant reactions to violations because only the churches had the means and the willingness to act. Incarnating the norms of human rights, but presenting these as Christian obligations, the Church documented violations, supported victims and, as Chile's transitional justice unfolded, wholeheartedly supported the process.

## WHAT IS THE CURRENT STATUS OF THE TRANSITION, IN TERMS OF THE SPACE AVAILABLE TO TRANSITIONAL JUSTICE PROCESSES?

The following questions seek to place the context on a spectrum that goes from ongoing armed conflict to a peaceful society that is in the process of reconciliation and where there is the political space for a comprehensive transitional justice process. Where transitional justice – in a formal sense, at least – remains impossible, the greatest contribution that RFBA can make is often to seek to advance society toward peace and coexistence.

The below seeks to support an analysis of what needs to be done to advance transitional justice and how an RFBA can best do that.

- Is the active conflict over, in terms of violence still occurring?
- If violence is still occurring, how does this affect how or where an RFBA can work?
- Is there a formal end to hostilities, and to what extent are concerned parties and the communities they seek to represent on board with that?
- To what extent are parties to the conflict and communities prepared to accept truth telling – most notably in terms of violations committed in their name (by their “side”)?
- Is there space politically and socially, for criminal accountability or, if not, for truth telling and other transitional justice measures?
- Are the authorities happy to see transitional justice processes begin, and are they advancing them?

These questions seek to ensure that any work done by RFBA is:

- Not putting at risk either RFBA themselves or the communities they are working with.
- Both seeking to do whatever the current environment permits and simultaneously seeking to expand the political space for justice action.

## 5.2 Conditions for RFBA action

Before acting, an RFBA must analyze the conditions in the context and determine whether there is space for them to contribute. Here we present a typology of contexts – in terms of a transition from violence – and a set of general conditions for such RFBA action.

Table 3 shows a rough typology of the status of conflict and transition, from active conflict to a state committed to formal transitional justice mechanisms.

Nature of conflict/transition	
<b>Conflict</b>	Active conflict and violence are ongoing, potentially throughout the context or only in some areas.
<b>Ceasefire</b>	Active conflict has ceased, but there is no formal peace; conflict is “frozen.”
<b>Peace agreement</b>	Parties have agreed to end fighting and may or may not have committed to transitional justice mechanisms.
<b>Partial transitional justice</b>	The possibility exists to work on informal mechanisms and some space for the state to lead formal processes, but there is still resistance to some mechanisms (e.g., trials).
<b>Substantial transitional justice</b>	The state is committed to a transitional justice process and is sincerely engaged in seeking to advance one or more substantive mechanisms.

**Table 3:** A typology of contexts in terms of the space available for a transitional justice process.

It should be noted that even in the midst of active conflict and insecurity, it may still be possible for RFBA to work at the local level informally to mediate, resolve conflicts and advance peacebuilding. Working in such an environment should, however, be approached with caution given the potential risks. It is also likely that where conflict is ongoing in some areas, RFBA can work in others.

Where conflict has ceased and there is limited political space for action, or where state authorities or nonstate armed actors have a limited tolerance for



such processes, RFBA should both seek to do what is possible and expand the space for action on peace and justice. In particular, action taken by any RFBA in transitional justice will not emerge from a vacuum. It will be driven by the concrete needs of affected communities, as well as victims of violations, and it must seek to both build on the possibilities and initiatives that exist and work to broaden the political space for further action. RFBA have a particular role as intermediaries between communities whose trust they have and authorities who will be implementing formal processes. Much of the added value that RFBA can bring derives from their occupying a space where they can fill gaps between the state and communities sharing information in both directions, to better inform both.

The list below shows a set of general conditions of a context emerging from conflict or repression, for RFBA to act in a transitional justice process.<sup>24</sup> Some of these are purely contextual, some address the stakeholders present and some deal with the concerned RFBA itself.

1. **An end to, or a significant lessening of, armed violence:** By definition, transitional justice processes are forged and exercised after the signing of a peace agreement between warring parties. Reconciliation on a broad regional or national scale, or even in a local community, is virtually inconceivable during ongoing hostilities. Nevertheless, even amid violence, RFBA can offer a long-term vision of sociopolitical reconciliation while supporting near-term informal initiatives for individual, interpersonal and cross-community reconciliation.
2. **Sufficient space in which to act:** Religious leaders must have the freedom politically, culturally and legally to take on peace initiatives. Likewise, there must be concrete channels through which they can be heard and can influence post-violence developments. Where spaces are restricted and channels for action are blocked or extremely narrow, RFBA may promote dialogue and reconciliation at the local levels through informal processes or where occasional opportunities are present. They may also collaborate with others nationally and internationally to advocate privately or publicly for more open and inclusive implementation policies.
3. **Commitment to peace and reconciliation on the part of key stakeholders:** Government officials and other armed and political actors must appear to be

sincere in their search for peace and be effectively carrying out any measures included in peace agreements. There should also be significant support for peace within civil society. If there is effective resistance or organized opposition to a peace process, or a new government adamantly opposed to the process undertaken by its predecessor comes into power, effective RFBA action for justice and reconciliation can be frustrated. In such circumstances, RFBA, alone or in alliance with others, may call on key stakeholders to honor commitments made or to more vigorously pursue peace.

4. **Adequate human and financial resources for peace and reconciliation:** Actual amounts will depend on the context and circumstances, as well as established objectives, but transitional justice and reconciliation processes require dedicated resources appropriate to the scale and specific types of action undertaken.

5. **Relevant capacity:** Goodwill is a necessary but insufficient condition. Experience among RFBA leaders and staff and professional training in the elements of transitional justice and reconciliation are very important.

6. **Collaboration with other key actors:** Effective engagement requires RFBA to work with other religious leaders, NGOs, the media and the private



The "attic church," a hidden space to celebrate mass in Amsterdam during the 17th century. Image credit: Our Lord in the Attic Museum.

sector. Such collaboration helps ensure the broad range of experience, expertise and relationships needed to address the complexities involved and to make an impact.

### 5.3 Is the RFBA taking action, and if not, why not?

To understand how to engage an RFBA, it is first necessary to understand why they are engaging or not engaging and what motivates them.

#### IF THEY ARE ACTING:

- What has motivated them to act? Are they driven by their own values, pressure from their constituencies or something else? Understanding what motivates their engagement is important in understanding how to both support the RFBA and steer it to take a bigger role, if this is necessary.

#### IF THE RFBA IS NOT ACTING:

- Are they intimidated or reluctant because of a fear of the authorities?
- Does the state have any route to control or discipline the RFBA that might constrain its action?

It may be important to analyze the relationship of the RFBA to the state. There may be genuine reasons why the RFBA feels unable to act, or it may be that it has to be creative in understanding what action it can take, despite a limited political space.

- Are they concerned that their own past is something they are unwilling to confront?

If the RFBA has issues from its own past that it fears confronting, then it may be necessary for it to first address these (through truth telling, acknowledgment, expressions of remorse and apologies, for example, and potentially reparation).

- Does it appear to lack interest in justice issues?

Many institutional RFBA are concerned with their own interests as much as advancing peace and justice. In some contexts, conservative institutions may need convincing to act on justice issues.

Many of these issues can be addressed by interested civil society actors who can seek to influence the RFBA to use their leverage.

- Are there individuals within the RFBA who may be more positive about such action than the institution?
- Are there networks, national or international, civil society or others, with which the RFBA is involved that could support them in taking action?

Where an institution is timid or fearful of irritating state authorities, it may be possible to identify others within the RFBA who are more willing to take action, acting in a semiofficial or private capacity but still benefiting from the trust and perceived legitimacy the RFBA has within the process/society.

### 5.4 Ensuring any engagement considers the security of all involved

There are risks associated with all human rights work, and efforts to advance transitional justice can often engage with the most sensitive of issues that can put civil society actors in danger. The context in which transitional justice action unfolds can be in a conflict or post-conflict situation and is likely to be one of political contestation: In all cases there are significant risks. In many cases state actors can perceive such work as a personal and/or an institutional threat and can seek to suppress it, including through targeting concerned agencies and individuals. There may be actors with links to both perpetrators of violations and criminal groups or local community members who have the capacity and means to threaten human rights defenders. In all cases, engaging RFBA may also expose them to risk, although in some contexts they may enjoy greater protection.

In any case, when seeking to do such work with RFBA, care must be taken to assess and mitigate any threats to the civil society actors and RFBA involved as well as any communities engaged. In some cases, CSOs may have to advise RFBA to take precautions, even where they feel they are safe to take risks. Any CSOs driving such action must take responsibility to ensure both their own safety and that of all those with whom they work.<sup>25</sup>

Here some basic approaches to ensuring security are outlined.

**Before beginning any new area of work, and at regular intervals, a risk assessment must be made for all those involved.**

Risks to be considered can include retaliation, intimidation or threats by alleged perpetrators and supporters, and arrest and punishment by state actors.

Assessing such risks demands asking whether:

- Armed groups or terrorist or criminal networks are operating in the area;
- Governmental authorities are perpetrators of serious human rights violations and may respond negatively to their investigation and discussion. The risk faced will depend on the type of actor: An RFBA may be at less or greater risk than a CSO, depending on how they are perceived by the source of the threat;
- There is a risk from ongoing fighting;
- There is a risk of landmines or other unexploded ordnance;
- There is a threat from being found with any documentation, including to the documentation itself, around the work being done, if it is discovered by the state or other actor.

When working in the field, consideration should be given to the extent to which your presence may increase the risk to community members once you have left.

**Your organization should have a set of security guidelines, laying out what you do and how you work, that includes approaches to mitigating risks to all those involved.**

This should include:

- Ensuring you have a good understanding of the local culture and environment, ideally through partners on the ground. It may be appropriate to map the actors who represent potential threats and understand how they have responded to such work in the past. A local RFBA partner may be a valuable support in doing this;
- Having a comprehensive security and evacuation plan. In areas that are dangerous, this should ideally be developed by a security professional;

- Security guidelines should also include a set of mandated security measures, and these should be shared and discussed with any RFBA with which you are working. These could include:
  - Ensuring CSO workers are never alone or are always with a trusted local contact;
  - Being aware of the extent to which local actors can be trusted, including local authorities and police;
  - Finding out who else is working in the area who could support you in the event of a problem, and building relations with them from the start;
  - Defining protocols for managing any data you collect or carry with you (including evidence of violations, and names and contacts of partners, witnesses and contacts) to ensure they are secured.

It should, however, be understood that in most contexts, the greatest threat is typically from road traffic accidents, so care should be taken to ensure that all travel is undertaken in a considered way.

**EXAMPLE:**

**Human rights documentation in a state in conflict**

In a context that will not be named, local human rights defenders were collecting data for input to a future transitional justice process that potentially included prosecutions. All parties to the conflict, including state actors, were threatened by such action and had threatened and intimidated the defenders. As a result, when collecting data in the field, CSO actors took various precautions, including:

- Using mobile phones for data collection, as these were seen as less likely to raise suspicions than dedicated data collection devices, such as voice recorders;
- Sending collected data to others when returning from the field and then deleting data from their phones;
- Asking internationals to take documents and other data on UN flights to avoid the defenders having to carry them with them;
- Ensuring that arrangements were in place for fast relocation abroad of any defender who was the subject of specific and credible threats.



## Guidelines should include protocols for responding to specific threats.

If an explicit threat is received, this should be analyzed and its seriousness determined in the light of the vulnerability of the individual(s) targeted, and appropriate action should be taken to protect them. Analysis should seek to:

- Determine the facts around the threat: Was the threat clearly and directly formulated, and how was it perceived by its target? Can information about the threat be verified and corroborated by other independent sources? Have others been threatened?
- Is there a pattern of threats?
- What is the goal of the threat, and to what extent is it linked to the work of the CSO?
- What is known about the source of the threat? Is the author of the threat known? Are there links between the source and national authorities or armed groups? Does the source have the capacity to carry out the threat?

The response to a threat should seek to reduce the threat and vulnerability factors and increase protection of those threatened. This could include supporting or establishing community-level protection networks; using visibility strategies with a deterrent effect; seeking the support of relevant partners, such as international NGOs or diplomatic missions; and providing physical protection, including through relocation.<sup>26</sup> Approaches will depend on whether the source of threats is a state or nonstate actor.

## CSO team members should be trained and accountable.

All those working with a CSO on transitional justice issues should have an appropriate level of skill and training. They should be vetted to ensure they pose no security risk and will not be negatively perceived by communities, can respect the need for confidentiality where required and are familiar with the security guidelines.

# 6. HOW CAN THE RFBA MAKE A CONTRIBUTION TO TRANSITIONAL JUSTICE?

This section seeks to understand what strategies are appropriate for engaging RFBAs to play a role in transitional justice.

RFBAs are typically (but not always) institutional actors – that is, they have a hierarchy and an official position on many issues, and this is what they articulate in their engagement with transitional justice and other processes. However, in practice, such institutions are composed of individuals with a range of attitudes, relationships and capacities, and these can be leveraged in a number of ways. As such, RFBAs can engage in transitional justice processes:

- In an official capacity, through a formal representative of the institution and articulating official positions.
- In a semiofficial capacity, where individuals who hold an official position can engage on their own initiative, without the explicit approval of higher religious authority (and possibly without implicit approval). Such individuals can take risks in bridge building across religious, political, economic and social divides.
- In a private capacity, where individuals hold no official position but engage in processes or projects on their own initiative. They have been well described as “quiet peacemakers,” operating behind the scenes.

It is important to note that, at different times and on different occasions in the course of their career, one person may act in all three of these capacities.

These three ways of engaging are discussed here.

## OFFICIAL RELIGIOUS ACTORS

These are most typically the leaders of formal religious groups with hierarchies that they head. They (or their nominated representatives) may engage authoritatively in transitional justice or peacebuilding processes or projects on behalf of their religious denomination and, implicitly, the constituency of followers they represent. This can exploit the political connections and influence that the actor has.

In many contexts, different faith leaders come together in bodies or interreligious groups where they can articulate a shared vision that advances peace and justice. These can operate at a national level and bring the authority of religious leaders from all communities together in a visible way that can influence both the authorities and the population. Beyond being an example to those whom the leaders represent, such bodies can work practically at building peace, both at a national level and through their presence at the grassroots level.



Participants at the 2019 Asian Sites of Conscience regional meeting, hosted by the Tibet Museum in Dharamsala, India.

### EXAMPLE:

#### Sri Lanka, National Peace Council (NPC)

The NPC is an NGO formed by an interreligious group of Sri Lankans in 1995 to campaign against election violence and includes Buddhists, Hindus, Muslims and Christians. NPC has facilitated several informal transitional justice processes throughout Sri Lankan society on the foundation of interreligious cooperation. These included national conferences for peace as a space for religious actors to discuss how to work for a peaceful and permanent resolution to the conflict. These spurred development of small, interreligious groups throughout the country that continue to work to increase dialogue between different ethnic communities and address practical issues causing tensions on the ground.

### EXAMPLE:

#### Mindanao, the Bishop-Ulama Conference

In Mindanao, in the southern Philippines, where long-standing divisions among Christians, Muslims and indigenous people have contributed to violent conflict, the Bishops-Ulama Conference was formed to support the 1996 peace accord, bringing together Christian, Muslim and indigenous leaders. Catholic bishops, Muslim ulama and Protestant pastors in Mindanao seek a society where Christians, Muslims, indigenous peoples and followers of other faith traditions live together in harmony and peace. These goals are pursued through a series of assemblies, conferences, seminars, religious rituals, sociocultural activities and peace projects, including grassroots interfaith dialogues.

### EXAMPLE:

#### South Africa, the South African Council of Churches (SACC)

Founded in 1968, under the leadership of Archbishop Desmond Tutu, the SACC spearheaded anti-apartheid activity and fostered Black leadership in the mainstream Christian churches to promote the liberation struggle. It was a big factor in the revival of mass action against apartheid. Throughout the apartheid era, religious leaders took up prominent leadership roles in their churches and within nondenominational organizations where they were responsible for radicalizing and mobilizing their adherents.

The links between a history of resisting injustice and a transitional justice process were demonstrated when the TRC was formed. Four of the TRC commissioners were ordained ministers and represented Christian organizations. Dr. Alex Boraine, a former president of the Methodist Church of South Africa, was named as deputy chair, and Archbishop Desmond Tutu, a former president of the SACC, as chairman.

### EXAMPLE:

#### Northern Ireland, Church cooperation

The four largest churches on the island of Ireland (Presbyterian, Church of Ireland, Methodist and Catholic) have worked together in a range of bodies (the Irish Council of Churches and the Irish Inter-Church Meeting). All have also consistently condemned acts of violence throughout the conflict around the north.

The structure of Church cooperation (both north-south within the island of Ireland and between the UK and Ireland) was an example whose form was ultimately duplicated in the official structures created by the formal peace deal, the Good Friday Agreement of 1998. These included a North/South Ministerial Council and a British/Irish Council and Intergovernmental Conference.

### SEMIOFFICIALLY

Individuals who hold an official position in their religious denomination can engage in transitional justice or peacebuilding processes or projects on their own initiative, without the explicit approval of a higher authority and possibly without implicit approval. They can potentially take risks in establishing relationships across religious, political, economic and social divides.

These include:

- **Community processes:** These involve the creation of defined groups or organizations working at an explicitly cross-community level. Their aims can range from more general “reconciliation” to specifics such as integrated education in Northern Ireland. Faith-based actors have been key in the creation of these, involving both formal members of institutions (such as priests) and ordinary members of a congregation or faith. Such groups can tackle key issues in peacebuilding but also demonstrate through their own structures an experience of power sharing, representing an example of coexistence across the divides of conflict.



Interior of the Historic Clayborn Temple, Sites of Conscience member located in Memphis, Tennessee. Image credit: via Facebook



- **Official processes:** These involve engagement with a state-led process by a leading figure from an RFBA but, acting in a personal capacity, can leverage what RFBA brings to justice and peace processes. Examples include chairing government truth-telling initiatives, cross-community religious services and (in Northern Ireland) religious figures acting as witnesses to the arms decommissioning process.
- **Single-identity religious processes:** These can constitute safe spaces to internally address difficult issues around peacebuilding within a single-faith community, which can then enable those involved to later become involved in wider peace-building initiatives.

**EXAMPLE:**

**Official process – arms decommissioning in Northern Ireland**

One of the most contentious issues in Northern Ireland’s peace process was the need for armed groups to demonstrably dispose of their weapons caches, at one point leading almost to the collapse of the process. To ensure trust in the decommissioning process, two religious figures – Catholic priest Fr. Alec Reid and Methodist reverend Harold Good – were seconded by their churches, on behalf of their respective Catholic/Nationalist and Protestant/Unionist communities, as joint witnesses to the decommissioning of paramilitary arms. As actors trusted by their respective communities, their testimony that the (otherwise secret) process had indeed been carried out was crucial in maintaining the peace process. Both concerned communities and their political representatives had faith in the decommissioning as a result of the trust they had in the religious actors involved.

In all of these, there is space for individuals from institutional faith-based actors whose charisma gives them a bigger role than the institution alone would have. Such dominant personalities can have a huge impact while simultaneously being able to distance themselves from official institutional positions or where the institution wants to be well insulated from political issues.

Informal process is typically led by individuals working at the level of the community they know. These may be framed by institutional policies or approaches, and their capacity to act will certainly be influenced by their links to the institution, but activities will be at their own initiative. In contexts where religion is not highly institutionalized (such as Buddhism or Hinduism in most contexts), local RFBA will act quite independently.

**PRIVATELY**

These are individuals who hold no official position but who engage in transitional justice or peacebuilding processes or projects on their own initiative. Rather than taking center stage, they typically operate behind the scenes.

The unofficial nature of these individuals can, however, also limit the impact of their actions if they are seen as mavericks or people stepping beyond what is acceptable, therefore reinforcing the status quo of nonengagement. As these people act alone, they have little physical or mental support.

**EXAMPLE:**

**Private process – Northern Ireland, secret talks to advance peace**

During the conflict, Northern Ireland’s Catholic Nationalist community was represented by two parties, Sinn Féin, the political wing of the armed Irish Republican Army (IRA), and the Social Democratic and Labour Party (SDLP) that rejected violence. Redemptorist priest Father Alec Reid believed that ending the violence demanded Church involvement, telling Sinn Féin leader Gerry Adams “the church is the only organization that has the status, the credibility, the lines of communication.” Fr. Reid facilitated secret talks between Adams and John Hume, leader of the SDLP and the Irish government. This enabled a move toward renouncing IRA violence in favor of negotiation that provided a foundation for the ultimately successful peace process.

## III: POTENTIAL ACTION BY RFBAS

### 7. ROLES FOR RFBAS IN FORMAL PROCESSES

Formal mechanisms of transitional justice are those steered and managed by the state. These are understood to comprise both judicial and nonjudicial mechanisms, including prosecution initiatives, truth-telling mechanisms, the delivery of reparations, institutional reform and national consultations.<sup>27</sup> Since states have obligations under international law, any process should be in conformity with international legal standards and obligations, and these often prove to be points of contestation between authorities and civil society.

While the role of civil society actors, including RFBAs, is not prescribed, in practice they can perform a number of functions and have been seen to play a significant role in almost all transitional justice processes. An ideal outcome is where civil society is present and active before the transition and a collaborative relationship between government and civil society prevails during the transitional justice process. This enables civil society to contribute effectively

from the earliest stages, even prior to transitional justice being raised as an issue on the national policy-making agenda, and permits such actors to provide input to the authorities as the process is designed and implemented. This gives important stakeholders, such as RFBAs, a voice in the process and provides a basis for effective ongoing partnership. RFBAs thus can fulfill multiple roles alongside the state, particularly where they enjoy the trust of their constituency and ensure that the process addresses relevant community needs. Such an approach implies that the state and civil society collaborate around transitional justice, with each doing what it does best. However, in many contexts, such collaboration is absent, with civil society typically being more enthusiastic about transitional justice than the authorities and, as a result, an antagonistic relationship developing.

In this section, a “formal” process is presumed to include both peace processes and the contestation and advocacy that surrounds the creation of state-sanctioned and -managed mechanisms of transitional justice. RFBAs have an important role in normatively framing transitional justice, representing the communities for whom they act and articulating their needs of transitional justice, in addition to any direct engagement with such mechanisms.

It has been noted that religious actors can play roles in two broad ways: They can shape both the formation of formal transitional justice processes and their implementation.<sup>28</sup> Empirically, there is evidence that where religious actors have an important role, they will drive a strong component of truth recovery with less influence on a retributive process. This perhaps further emphasizes the extent to which religious discourse promotes reconciliation over criminal accountability, advocating for a formal transitional justice process with a particular focus. Once mechanisms are established, RFBAs can influence the selection of those who serve within them, as truth commissioners, for example, potentially themselves being represented. One challenge of these discussions is how unrepresentative of contemporary global practice the examples most studied are, emphasizing the Christian world (Europe, South Africa) and in particular the Catholic environment of Latin America. There remains a need to incorporate the experience of Muslim states, notably in the Middle East, and of the Hindu and Buddhist states of Asia where transitions have occurred.

## 7.1 Engagement in peace processes

Religious actors and communities can greatly influence official peace negotiations, particularly where religious dynamics have shaped the conflict or religious issues are part of the agenda. In these conflicts, RFBAs often feel they have interests at stake in peace negotiations. In the worst case, their absence can disrupt or spoil the peace process, as in Colombia, where some religious actors mobilized against the negotiated agreement with the FARC in 2016.<sup>29</sup> But religious actors can also support peace processes by acting as inside mediators, shuttle diplomats,<sup>30</sup> observers and official facilitators, such as Bishop Carlos Belo, who raised global awareness to end Indonesia’s oppression of the East Timorese.<sup>31</sup>

### EXAMPLE: Guatemala, church involvement in the formal peace process

In September 1987, the National Reconciliation Commission was created in Guatemala, comprising representatives from the authorities, the Episcopal Conference of Guatemala, political parties and prominent citizens, with Catholic Bishop Rodolfo Quezada as chairperson. From 1990, outreach meetings were held with various sectors to participatively outline the agenda for the peace process, and negotiations took place from 1991 to 1996 between the left-wing guerillas and the authorities. A series of agreements culminated in a comprehensive peace agreement.



Bishop Rodolfo Quezada Toruño in the Archbishop’s Palace in 2010. Image credit: Creative Commons



The negotiations in Guatemala were extremely complex and prolonged because the guerillas, civil society and the Catholic Church sought the structural transformation of the country and not just the end of the conflict. As such, the Church played a role not only in achieving peace but also shaping the form of that peace as driven by Christian ideas of justice.

The most common role for RFBA in peace processes is not in formal negotiations but in mediation and advocacy. They can also be engaged as part of negotiation teams and observers to talks, in consultations and public decision-making processes (elections and referendums) and through mass action. In conflicts not directly linked to religious issues, RFBA have been highly trusted and respected by the parties involved, and religious values and texts have proved important in mobilizing communities toward political goals.<sup>32</sup> Religious actors have been particularly inclined to engage in formal peace activities when their own communities are engaged in the conflict. Early involvement of RFBA is important for their long-lasting effective engagement, but in several cases where religious actors initially played a leading role in peace-making efforts by mediating or facilitating dialogue, their influence later decreased for a variety of reasons, including being sidelined by other actors and self-exclusion from the process.

## 7.2 Advocating for process and/or justice

All civil society actors, including RFBA, seek to enter relevant policy debates. This advocacy may include supporting or opposing particular transitional justice initiatives or even advancing proposals of their own. The nature of RFBA, as actors who have access to – and can effectively represent – victims and affected communities but also have credibility with authorities, makes them particularly effective advocates.

### EXAMPLE:

#### Sierra Leone, informal support to peace talks

During Sierra Leone's bitter civil war, the Inter-Religious Council of Sierra Leone (IRCSL) was a visible and effective bridge builder between warring factions and a population devastated and divided by more than eight years of violence. In 1999, the council initiated a dialogue between President Kabbah and rebel Revolutionary United Front (RUF) leader Foday Sankoh, then being held in custody in Freetown. The council convened paramount chiefs, tribal heads and parliamentarians in a series of consultative meetings to articulate their views and then initiated a number of meetings with Kabbah to consolidate their relationship and to build greater confidence between the council and the government. After a few months, a delegation was allowed to meet Sankoh at a military barracks in Freetown, demonstrating the council's neutrality and the trust it commanded from both the government and Sankoh. Simultaneously, the IRCSL made radio contacts with a cross-section of rebels in the bush, counseling them on the need for peace and visiting and meeting with them at their base in the bush to continue discussions on the way to peace. The initial interventions by religious leaders led the RUF to invite the council to its internal consultations in Lomé prior to formal negotiations. As the actual talks got underway, a 15-member team, including representatives from the IRCSL, provided guidance and acted as informal mediators, remaining neutral and supportive of the mediation process. Recognized for having kick-started the peace process, IRCSL members became integral facilitators of the talks that ultimately led to the Lomé Peace Agreement.

While advocacy is a complex and dynamic process, it can be broken down into five elements:

1. Identification of an issue for policy action, or agenda setting;
2. Solution formulation;
3. Building political will for identified solutions, which includes various tactics like coalition building, meetings with decision makers and sensitization of the public;
4. Policy action by the advocacy target; and
5. Evaluation of the advocacy approach and the extent of policy change.<sup>33</sup>

Agenda setting and solution formulation will often be driven by existing proposals from authorities, which may be limited or vague. Having identified a specific issue in either the transitional justice provisions or the government's lack of political will to implement them, RFBAAs can then begin campaigns. These can be adversarial – for example, calling for the disbandment of a truth commission if the process is fundamentally flawed or demanding that the government fulfill obligations detailed in a peace accord – or may adopt a more collaborative attitude – for example, organizing wide consultations, especially with government officials, on new legislation in service of transitional justice. The target of advocacy can be a broad and relevant legal framework for transitional justice or ensuring that a particular mechanism functions properly.

Meetings with individual government officials, both politicians and civil servants at all levels, can be an effective way to leverage the authority of RFBAAs. Through one-on-one dialogue, RFBAAs seek to influence policy by informing and pressuring officials, mostly in a nonconfrontational and constructive manner. This involves developing relationships that religious leaders have established with individuals in government.

Effective advocacy typically demands the use of coalitions and networks, as they provide the legitimacy and security of multiple voices calling for change and lend members the technical and funding capacity of their partners. For RFBAAs this can involve making alliances with other religious bodies who share the same values and agenda. Those RFBAAs who have, or are a part of, international networks can use transnational advocacy to seek to drive change. This typically

emphasizes advocacy work underpinned by insider-outsider coalitions and the understanding that local actors when faced with a hostile or unresponsive state look outward to supportive actors to put pressure on recalcitrant states.

Conducting grassroots consultations can be an effective way of ensuring that advocacy represents the needs of communities served by RFBAAs and can serve to advance a victim-centered and locally owned approach to the work that RFBAAs do (see below).

Advocacy can also be linked to mobilization, where an RFBA urges those who have trust in it to take action themselves to advance justice. This is epitomized by the work done by South African churches where church leaders urged their congregations to resist apartheid through mass action (see South African example in Section 8.2).

### **7.3 Shaping the norms of formal mechanisms and processes**

While transitional justice mechanisms are understood as being framed by the concepts of human rights, religious actors can have significant influence on how rights norms are practically articulated in the formation of specific mechanisms. RFBAAs articulate a diverse range of beliefs about justice and sometimes reject international standards, particularly what has been called the accountability norm as ill-suited to local needs and values. These can derive from religious scriptures or teachings or may reflect alternative practices that are more compatible with local politics and priorities. Faith-based actors have often been crucial in adapting, displacing or even rejecting international standards, derived from human rights law, and global expectations of what transitional justice should be, contesting the assumptions that underpin liberal-legal accountability strategies.<sup>34</sup>

### EXAMPLE:

#### Faith leaders' rejection of the ICC in Kenya

While RFBA are typically not engaged in efforts to advance criminal accountability beyond broad advocacy, in Kenya, faith leaders collectively confronted the International Criminal Court (ICC). This was driven largely by a campaign by the political class against the ICC, characterizing it as a foreign interference in Kenyan affairs. This concerned those known as the Ocampo Six, a group of senior Kenyan politicians and others who had supported them, who were accused by the ICC of directly inciting and supporting ethnic violence around the election. Upon the naming of these alleged perpetrators of the 2007/2008 post-election violence by ICC prosecutor Ocampo, a section of the church leadership rose to pray for the perpetrators that justice would be found for them. In addition, the state made calls for prayer rallies across the country as the clergy were used to intercede for the infamous group in the weeks leading up to their appearance at The Hague. Besides the Christian church, some African traditional religious leaders were also involved in praying for the suspected perpetrators who were charged with crimes against humanity, including murder and torture, in The Hague. The Njuri Ncheke, a traditional religious group of the Meru ethnic group, prayed for Francis Muthaura, one of their tribal kingpins and former secretary to the cabinet who was among the indicted. Some Muslim leaders also held prayers for one of their adherents, former police chief Mohammed Hussein Ali who had been accused of abetting crimes against humanity.

### EXAMPLE:

#### Zimbabwe exhumations

Those killed in the Matabeleland, in Zimbabwe, in the 1980s have been exhumed to address the needs of families in a process led by civil society and where there is no formal transitional justice process. The drivers of the process for families were the need to reclaim the historical truth in front of community witnesses, to reclaim their dead for decent reburial and to appease the spirits. These goals do not necessarily resonate with the priorities of a human rights approach and were articulated by local traditional leaders.

One risk, particularly in highly religious societies, is that the human rights framework on which formal mechanisms of transitional justice are based is secular and can disappoint communities who expect a process that resonates with local, faith-based traditions.<sup>35</sup> As such, one principal role for RFBA is that of “vernacularization,”<sup>36</sup> in which global transnational justice discourses are translated into local settings, including through the incorporation of relevant faith-based understandings within them. Such translation has been seen as occurring along a continuum, from replication, when adaptation is superficial, to hybridization, when there is a greater depth of incorporation of local elements. Religious actors can also be a route for the incorporation of customary indigenous understandings that, while not a formal part of an institutional religion, can be articulated by RFBA who reflect community values.

This vernacularization can also be framed in terms of ensuring that transitional justice is victim-centered (see Section 2.1). Victims with strong religious conviction will frame their experience in faith-based terms and seek a faith-based response to it. Those who have experienced violations and are trying to cope with extreme suffering can rely on religion and its rituals as a supportive framework that can then become a source of solidarity and personal strength. Religion provides comfort and the reassurance of the familiar and a sense of stability, in an environment where that is challenged by violence.<sup>37</sup> In addressing wider communities, RFBA are sensitive to the spiritual and religious needs of populations, which are essential for ensuring trust and building relevant transitional justice processes, in ways that secular NGOs and authorities may not be.



### EXAMPLE:

#### Solomon Islands TRC

Following armed conflict between communities on different islands, a TRC was born from domestic church efforts. It failed, however, to enlist these groups as ongoing supporters of the process, creating a perception that the commission was an arm of the government (widely regarded as corrupt) and divorced from civil society efforts. This, in turn, undermined local ownership by victims and wider society. In the end, studies suggest, the commission failed to capitalize on the legitimacy and capacity of churches, relying solely on the state for legitimation and implementation. In an extremely religious culture, while there was a religious discourse around the TRC, driven by the religiosity of the population and the engagement of RFBA, this was marginalized in favor of a secular framework of international human rights law. The result was a process that was seen as failing to resonate with the values and needs of the population.

Such vernacularization can be something that shapes an entire transitional justice process and that can be framed as an explicitly religiously driven response to past violence or just a single mechanism. Framing a process in such a way can dramatically increase its perceived relevance by concerned populations. Similarly, a transitional justice process that fails to reflect the values of the communities it seeks to serve can be seen as less relevant and reduce the extent of popular engagement with it. A specific risk for RFBA is that, if they are perceived as too close to a process that disappoints, their credibility can be negatively affected. This is particularly true, for example, if they have advocated an approach that prioritized reconciliation that is perceived as supporting impunity.

### EXAMPLE:

#### South African TRC, Christian Values and Ubuntu

The South African TRC was shaped by Christian ideas of reconciliation and encompassed an often uncomfortable tension between human rights norms and religious ideals. While using the language of rights and accountability, the TRC made central the idea of amnesty in exchange for truth in the sense that those who were open about what they had done in the past would be forgiven, even for serious crimes, and not prosecuted. This was represented as an articulation of Christian concepts of forgiveness and reconciliation. An additional narrative around the South African TRC process was that of ubuntu, a local term that can be translated as “humanity toward others” and articulates traditional African values. In practice, during the TRC, ubuntu was largely seen as a concept intertwined with the Christian values of reconciliation and articulated by Christian leaders. The healing that was sometimes seen as resulting from confession and remorse on the part of perpetrators is seen as revealing a mutual humanity that underlies the power of ubuntu.

The result of the process in South Africa was that few prosecutions were made for violations under the apartheid regime, even though the TRC and a broader transitional justice approach have been perceived as highly successful. There remain concerns among victims and civil society that impunity has been insufficiently challenged.

## 7.4 Participating in and around formal mechanisms as civil society actors

### CONSULTATIONS

Conducting grassroots consultations can be an effective way of, first, ensuring that advocacy by RFBA represents the needs of communities they seek to serve and, second, advancing such approaches in a formal process. The UN sees international human rights law as requiring national consultations to be undertaken as a part of a transitional justice process.<sup>38</sup> Consultations with victims and, more generally, the many people affected by transitional justice policies, particularly those living in communities outside the capital, whose voices may not usually be heard, can be central to determining RFBA's agendas, as well as the appropriateness of policies being adopted. Consultations in general serve to advance a victim-centered and locally owned approach to transitional justice. RFBA, as actors close to communities and trusted by them, can play an important role in supporting consultations, whether they are implemented by the authorities, the RFBA itself or other actors. This can include logistical support in accessing representative community members, providing venues for consultations to be held and advocating for community participation in consultation.

### TRUST AND CONFIDENCE BUILDING

Because religious actors are trusted by communities, they can be effective in building community trust in a formal process, particularly where that process is managed by a state that has traditionally been antagonistic to that community. This links to the natural role of RFBA in reconciliation and conflict resolution, and building trust in a formal transitional justice process will be an extension of effort that RFBA can engage with to build confidence between the state and communities more generally. Of course, such trust is best built on concrete examples that show the state is no longer violating human rights, and trust building – whether by RFBA or more generally – must be seen as both a driver and an outcome of the transitional justice process.

### TRUTH COMMISSIONS

In contrast with trials and reparations processes, which remain largely the purview of state agencies, truth commissions typically seek to represent society more widely and have included both secular civil society actors and RFBA. Such commissions perhaps best represent what Cismas has called “the potential to lend their special legitimacy to transitional justice processes [which] makes religious actors particularly valuable allies for governments, international organizations, and nongovernmental organizations (NGOs) in post-authoritarian and post-conflict settings.”<sup>39</sup> Daniel Philpott has documented the involvement of RFBA in state-led transitional justice initiatives and found, from 15 cases, that such actors were influential in eight of ten “moderately strong” and “strong” truth processes.<sup>40</sup> The engagement of RFBA in truth processes reflects that they can be an embodiment of the idea of *restorative* justice that many faiths promote, in explicit contrast with the retributive justice of the accountability norm. RFBA can be involved in shaping such commissions in two distinct aspects: their formation and their conduct.

In many contexts (e.g., South Africa, East Timor, Peru, Sierra Leone, Germany), religious actors have lobbied their governments to create truth commissions, advocated publicly for them and, where these actors were lay political leaders, used their power and prerogatives to influence their country's transitional justice institutions.<sup>41</sup>

#### EXAMPLE:

#### The role of RFBA in the Peruvian TRC

The Peruvian Commission of Truth and Reconciliation was founded in July 2001 to investigate all serious human rights violations from the start of the Shining Path Maoist insurgency in 1980. Originally conceived as a truth commission, it soon added the word reconciliation, reflecting the strong presence of religious actors in the commission. The head of the commission was the president of the Catholic University of Peru, and the other 11 commissioners believed that their mission was to reconcile and heal wounds rather than just collect facts. The commission included leading human rights activists, a priest, a Catholic bishop and a Protestant pastor. The priest, a Peruvian belonging to the Sacred

Heart Fathers, had long been known for his support of human rights and for his campaign against poverty as a part of his ministry to a large area in the southern Andean region that was hit especially hard by violence. The bishop came from the violence-hit and indigenous-dominated area of Ayacucho. The pastor, a representative of the Pentecostal churches, was selected in part because many Pentecostals were victims of the Shining Path. The commission recognized the important role that the churches played in offering consolation to the people and in helping them to defend their rights.

In terms of RFBA participating in truth commissions, Catholic clergy have served on formal truth and reconciliation commissions in Burundi, South Sudan and Peru. Most famously, Archbishop Desmond Tutu led South Africa's TRC while wearing full episcopal regalia and frequently invoking religious language and ceremony. This shows the value of RFBA leadership in such commissions, bringing the authority and charisma of faith leaders to the process and as such increasing its legitimacy and the trust people have in it.

RFBA have also had important, if less visible, roles in supporting the work of such commissions. In South Africa, as well as in Guatemala, Peru, East Timor and Sierra Leone, religious communities provided logistical support in organizing and carrying out hearings, finding and encouraging victims and witnesses and providing counseling to those involved once hearings were over (see below). They also often shaped the terms of public communication and debate surrounding commissions, sometimes bringing the concept of reconciliation into the discourse.<sup>42</sup>

## 7.5 Support to formal processes

An important role for RFBA is as a conduit between formal transitional justice mechanisms and communities. RFBA can share information about formal processes with community members and advise them to engage with relevant mechanisms. They are also well placed to share information from or about the community with formal mechanisms.

### EXAMPLE:

#### The Christian character of the South African TRC

The Christian character of the South Africa TRC was a result of both the presence of notable religious figures like Desmond Tutu and the high religiosity of South Africa, where 95% are affiliated with a Christian denomination. Religious leaders arguing for forgiveness and reconciliation were critical for harnessing support for the TRC from the Black population. Christian themes of reconciliation, strengthened by reference to *ubuntu*, were critical to the commission's ability to promote national healing. This religious character was first seen in a special service appointing the commissioners, an event full of religious undertones, including the reading of sacred texts by Buddhist, Christian and Muslim communities. Four of the 17 appointed commissioners were ordained ministers and represented Christian organizations, while others included two other high-profile Christian leaders and a Hindu human rights lawyer and leader of the multifaith World Conference of Religion and Peace. In day-to-day work, sessions opened with hymns and prayers. Christian rituals, symbols and metaphors, such as Tutu wearing the clerical robe and singing hymns, dominated the commission and its daily routine.

### SUPPORTING ENGAGEMENT WITH TRANSITIONAL JUSTICE MECHANISMS: EDUCATION AND SENSITIZATION

Consultations will ideally be preceded and accompanied by sensitization about transitional justice, in both a general sense of ensuring communities understand its goals and more specifically how it is unfolding in that particular context. RFBA are well placed to play a role in such action.

### DATA COLLECTION AND MONITORING

RFBA can use their networks in communities to engage with formal mechanisms, through collecting data and sharing this with authorities and mechanisms, including:



- Needs of victims and communities;
- Documentation of violations and appropriate responses to share with formal transitional justice mechanisms (see also truth telling, below);
- Attitudes toward justice and potential formal transitional justice mechanisms; and
- Perspectives on formal transitional justice mechanisms to date.

### COMMUNITY-LEVEL LOGISTICS

RFBAAs have human and technical resources at the community level, as well as the trust of community members, that can support formal processes to reach and engage with individuals. This can include accessing victims who are happy to give testimony and access to potential beneficiaries of reparation.

### SERVICE DELIVERY AND INTERVENTION

RFBAAs can offer support to community members around any transitional justice mechanism as an extension of the pastoral services they provide. This can include counseling and support to victims around difficult parts of the process, such as giving testimony at a truth commission or trial.

#### EXAMPLE:

#### Church support to the South African TRC

Churches and religious NGOs provided logistical assistance to the South African TRC, in terms of providing office space for administrative work and arranging venues for public hearings. Hearings were often organized with the assistance of local churches and communities, who helped the commission facilitate and implement these. In remote areas, churches might have been the only places where a great number of people could gather indoors. Local church leaders also provided trauma counseling for people who attended the hearings to help them deal with the experience of the TRC.

## 8. ROLES FOR RFBAS IN INFORMAL PROCESSES

Informal transitional justice processes can take any form that addresses the needs of communities for peace and justice or advocates for such processes from the state. They include both grassroots-based approaches, engaging with communities – including across the divide of conflict – and national projects to support, complement or even challenge the action of the state. RFBAAs have a special role in informal processes, since they are typically present and trusted in communities. As such, RFBAAs may choose to develop or lead processes that leverage that trust, to work at a community level with local goals. Since impacts are often local and highly contextualized, caution should be exercised in seeking to be prescriptive about the nature of such processes or to transfer lessons between contexts.

Many of the goals of such processes bridge the formal and informal, including understanding justice needs in a community and making them known, and mobilizing victims and communities to advocate for or engage with formal processes.

The sections below summarize potential approaches to informal processes, organized according to the topics defined in Table 1.

## 8.1 Persuasion/advocacy/resistance

RFBAAs have influence with authorities as well as the communities they represent. As such, they are able to understand the justice needs of their communities and their demands for transitional justice and articulate these on their behalf. RFBAAs can thus lobby authorities to establish mechanisms or oppose or support proposals from the authorities, as well as make representations and demands on behalf of communities for state support linked to legacies of violations.

## 8.2 Mobilization/capacity building/education

RFBAAs can work with their communities to both understand and engage with formal processes and/or support them to represent themselves in independent initiatives, such as victims' groups or informal processes. This can include:

- Increasing community members' understanding of transitional justice processes and how to assess and work toward truth, justice and reconciliation goals at the community level;
- Engaging youth in the transitional justice process in the hope of preventing future conflict and empowering youth to take nonviolent action;
- Mobilizing and supporting victims' and community groups to represent themselves, in the formal process and beyond, and more broadly driving activism of community members to fight for justice; and
- As a social and political actor advocating for communities in general and around particular processes.

### EXAMPLE: South Africa

During apartheid, church leaders led opposition to the authorities and commanded respect among their congregations. As such, they played a substantial role in mobilizing communities to activism and helping congregations move from passive support for resisting apartheid to being activists.

Members of churches also had greater privileges to travel and to meet people than most individuals under the apartheid regime. They used this to explicitly support the liberation movement, by allowing activists to travel in their vehicles or transporting materials, for example, as well as providing refuge for activists.

### EMPOWERMENT

RFBAAs have played a significant role in some contexts in empowering populations in various ways, including enabling them to campaign against injustice. Religious leaders have both encouraged and supported communities to break their silence and confront regimes and other actors who deny their rights.

## EXAMPLE:

### Catholic Church, Guatemala – Ecclesial Grass Roots Communities

The Catholic Church in Guatemala, with the support of the laity, developed strategies to allow for more direct local care for community members and to create spaces of reflection for Christian commitment. These included the work of Catholic Action and the creation of the Ecclesial Grass Roots Communities. These sought to empower people to resist injustice during the dictatorship and encouraged communities to denounce and seek out justice. Without guidance and support from the Church, the people would have remained silent in the fear induced by war.

This work during the military regime has been directly linked to the work that followed, in terms of broader capacity building for justice. The Church trained generations of people to continue the work of transitional justice, and – as a direct result – there are now 71 military and paramilitaries serving sentences for crimes committed during the internal armed conflict.

## CAPACITY BUILDING

Where RFBAs have significant capacity, they can use this to build capacity in others and, in particular, in that of civil society.

## EXAMPLE:

### Caritas, Colombia – “Transforming Relations for Peace”

Caritas, the humanitarian arm of the Catholic Church in Colombia, is targeting civil society organizations in a number of regions to increase civil society capacity to build peace. CSOs are being strengthened in their ability to organize processes of social and political transformation that contribute to the governance of their territories and the

consolidation of a participatory democracy. This comprises an internal dimension in terms of administration and an external dimension to develop skills to contribute to the construction of peace and reconciliation, the reconstruction of the sociopolitical fabric, political advocacy, access to justice and human rights and citizen participation.

## 8.3 Substitution/independent action

Whether a formal transitional justice process is planned or ongoing, civil society actors can take action to concretely advance justice – in a variety of forms – independently. These can be considered as processes that substitute for a state that is unwilling or unable to take such action or that are complementary to formal processes. Given that in many contexts, formal processes are absent,



Community members joining Sites of Conscience member in Peru, Caminos de la Memoria: El Ojo que Lloro, during a memorialization event. Image credit: Walter Hupiu



incomplete or extremely delayed – in terms of the time that has passed since violations – in some cases, such informal processes will be more accessible and potentially the only process many people access.

Given the nature of such informal processes, defined in terms of a direct engagement with community members and unfolding at a local level, and addressing issues of some sensitivity in those communities, RFBA are well placed to oversee them. RFBA can use their authority among communities and resources, notably in terms of access to and trust of communities, to conduct informal processes that address the needs of communities and of victims and advance truth telling and potentially accountability. The list below shows some forms that such informal action can take.

### SUPPORT TO VICTIMS AND COMMUNITIES

Perhaps the first need that victims and those affected by violations articulate is for support, often urgent assistance to address a range of needs – material, medical, psychosocial, among others. RFBA, like any civil society actor, can address these, but they are privileged in doing so by the legitimacy and trust they enjoy in the community.

Work at the community level by RFBA can be explicitly interfaith – using recognized bodies such as those discussed above or less formally – or can engage solely with the constituency that the RFBA seeks to represent or with broad communities across faith and identity. It often begins as the conflict continues, through efforts to support the most vulnerable in the community. Such basic support emphasizing livelihoods, the return of the displaced, solidarity and psychosocial support is often a precondition for transitional justice and peacebuilding. Reconciliation needs a material foundation for affected communities to be able to engage in peacebuilding and justice activities. Such community support work can include:

- Material support (e.g., medical care, training and education, housing, etc.) or financial assistance;
- Mental health work/psychosocial support to victims and others, including through the building of networks of support; and
- Protection initiatives, such as the creation of “safe spaces” in the community for victims.

Key to the relevance and utility of such initiatives is the effective identification of the needs of the most vulnerable in a community. RFBA who are present at the grassroots level and have a pastoral role in the community are very well placed to do this effectively and can also mobilize community members to create networks of support. In many cases, they also have access to resources, including funding, that others may not.

A long-term benefit of such work by RFBA is the building of credibility and trust of victims in the longer-term struggle for justice and gives the RFBA a privileged status in engaging with such community members for future transitional justice initiatives.

#### EXAMPLE:

#### Guatemala, Catholic Church support

In Guatemala, the Catholic Church trained mental health providers to meet the most pressing needs in terms of psychosocial support for those affected by the armed conflict. During the process of collecting testimony for the REMHI (Recovery of Historical Memory) Project (see textbox in Section 4.4, above), an urgent need to care for the surviving victims, their families and the community was identified, so the ODHAG (the Oficina de Derechos Humanos del Arzobispado de Guatemala, the Human Rights Office of the Archbishop of Guatemala) promoted mental health work in seven dioceses in the country to train mental health promoters and to meet the most pressing needs in terms of psychosocial support. This action was carried out mainly in the country’s interior, dominated by indigenous Mayan communities.

The starting point for these processes was the structure that was already created under the REMHI Project. As part of this process, they had already been trained in aspects relating to mental health, emotional support, active listening and handling interviews. The need was that, after collecting testimonies, the people should continue to be cared for, since the impact of the war manifested itself in the testimonies as an imprint that should be worked on from the emotional and spiritual standpoints.

The Church also sought to provide broader practical support for affected communities, with a focus on the needs of women and youth affected by the war. These included workshops and guidance to start businesses and rebuild lives after conflict, emphasizing the focus on restoring livelihood that many victims prioritize.

#### EXAMPLE:

### **Southern Thailand – Soraya Jamjuree and Friends of Victimized Families**

Friends of Victimized Families mobilizes Muslim university students to work with those caught up in the violence of Muslim separatism in southern Thailand. Founded by Soraya Jamjuree, they work with traumatized families, both Muslim and Buddhist, who have lost family members – particularly husbands and fathers – in the violence, focusing on women and children. To address the needs of these women, the student teams help them meet their basic needs by bringing them food, finding job opportunities and offering psychological and emotional support. To avoid a cycle of revenge and hate between the two communities, they also aim to bring together women from both sides and reduce their pain.

Soraya Jamjuree has been inspired by a strong sense of responsibility derived from the Islamic principles of vice-regency and justice. She understands the role of religion and culture in shaping attitudes of believers of social issues. Refusing to allow militants to create hate between Muslims and Buddhists,<sup>6</sup> she invokes Islamic ideals of forgiveness, apology and compassion.

## EXHUMATIONS

One legacy of both conflict and periods of authoritarian governance is the need for families to know the truth about loved ones who have disappeared or gone missing. As such, the search for the missing and for answers for their loved ones has become a central issue of transitional justice. The development of forensic techniques of both anthropology and DNA testing permits the identification of human remains and has become a key driver of the search for remains and exhumation as a part of such processes. While it is an obligation of the authorities, and a transitional justice process may include explicit mechanisms to search for and identify such remains, in many contexts civil society has also played a role. This is typically through secular NGOs with technical expertise who find ways to work with, and sometimes support, state authorities. RFBA have, however, also been involved.

#### EXAMPLE:

### **Guatemala**

During the armed conflict in Guatemala, the Commission for Historical Clarification's (CEH) report estimates, 200,000 murders and disappearances took place. The Nunca Mas! report of the REMHI project (see textbox, below) stated: "Exhumations may aid in clearing up many facts and should facilitate the grieving process for families and communities." In response to this, ODHAG created an exhumation team in its structure to respond to the demands of those who provided their testimony. This laid the foundation for other organizations to continue with these efforts for truth, justice and healing of individuals, families and communities.

This process was linked with the psychosocial support provided by the Church. Faced with human rights violations, in which the Catholic Church was also a victim, transitional justice was aided by promoting a process of strengthening communities through psychosocial support so that they themselves could build their demands for exhumations and prosecuting those responsible.

## 8.4 Truth seeking and documentation

Unofficial or local truth seeking is an approach that became pervasive in Latin America beginning in the 1980s and 1990s, with the demise of military governments there. RFBA, academic institutions and local governments have cooperated to document human rights violations and issue comprehensive reports that sometimes prompted democratic governments into action. Such projects can more effectively respect local social context, including religious norms, and give RFBA creative roles. Civil society-led truth seeking can both complement and substitute state-led efforts.

### EXAMPLE:

#### Guatemala, The Recovery of Historical Memory Project (REMHI)

As the Guatemalan government and the guerrillas reached a comprehensive peace agreement under the auspices of the UN, they decided to establish a truth commission, the CEH. However, many civil society members believed that the commission did not have adequate authority. Led by the Catholic Church, through ODHAG and supported by civil society, an independent truth-telling project, Recuperacion de la Memoria Historica (REMHI, or Recovery of Historical Memory), was launched in 1994. REMHI's goal was to collect evidence of the Guatemalan military's human rights violations against the indigenous Mayan civilians throughout the war. It conducted its inquiry over three years in all regions of Guatemala, obtaining the testimony of 6,500 survivors. To collect testimonies, REMHI allowed citizens to approach any pastoral worker, priest, nun or "involved" lay person who would in turn guide the person to an interviewer authorized to collect testimonies. Interviewers had an identification card issued by ODHAG and the bishop's office of their diocese; interviews could also be carried out at a center opened in each diocese. In 1998 the Church published the REMHI report, *Guatemala: Nunca Mas!*, finding the army responsible for over 80% of 55,021 documented human rights crimes.

Its initial objective was to provide inputs to the formal, state-led truth commission, the Commission for Historical Clarification established in

the Oslo Peace Agreement. The REMHI report, however, set a standard for the CEH, demonstrating what was possible with such a truth-seeking exercise, and – in contrast with the CEH – sought to identify those responsible. The REMHI report contributed to CEH by setting standards of professionalism, suggesting avenues of investigation and ensuring victims' participation. In a section of the report entitled "The Road to Social Reconstruction," REMHI analysts make a series of recommendations on how the Guatemalan government could help rebuild the war-torn country. These include indemnification for victims and a school curriculum that describes honestly what happened during the war.

Some unofficial truth projects are commission-like efforts, often complementing or preceding state-led projects, and can produce reports similar in shape and scope to those of truth commissions. (An example is the *Nunca Mas!* report of the Church-led REMHI in Guatemala, see textbox above.) Documentation



Image credit: Pedro Lima



centers may build the basis for future truth-telling activities. In communities where the public demands criminal trials, unofficial truth projects can take the form of mock trials that document abuses. Local communities can also engage in truth telling through art, video, theatre and literature projects that focus on the past. Truth projects “from below” tend to focus on a small part of the larger story of a society’s past but provide an avenue to recognize victimized communities and constituencies. By challenging the official record, these projects can complement or catalyze the launch of official action and ensure wider participation.

### EXAMPLE:

#### Colombia, local memorialization in Bojayá

In 2002 a massacre of innocent civilians occurred in Bojayá, a small rural village in Colombia’s Chocó region, as they were caught in the crossfire of a conflict between FARC rebels and the Colombian National Army. Local lay missionaries from the Diocese of Quibdó responded with a variety of local initiatives of social memorialization, such as quilting groups, memory chapels and funeral rituals for the victims. These actions helped to restore the social fabric of the community and allowed for the social and personal healing of victims. This ultimately contributed to a denunciation of further violence and enabled a much-needed state of normalcy in victims’ lives following the massacre. Furthermore, these religious activities contextualized the massacre within broader economic, cultural, ethnic and environmental crimes taking place within the Pacific coastal region in Colombia. This helped to depersonalize the violence by situating it within a longer history of injustice for the mainly indigenous and African-descendent community of Bojayá. Thus, because of their ability to mobilize symbolic resources, religious leaders at the Diocese of Quibdó played an important role in the multifaceted efforts at successful peacebuilding after the massacre.

Documentation as a goal of truth telling implies an effort to create a formal record of past violations, often in light of state denial and a refusal to collect such data. Such efforts can be nationwide, in an effort to both substitute and advocate for a state mechanism (as seen in REMHI in Guatemala; see textbox, above), or local, with the goal of either contributing to a broader data set or driving local approaches.

As with many informal mechanisms, RFBA are well positioned to both champion and lead these, leveraging their trust and legitimacy. Dissemination is a crucial part of such work and can use RFBA networks in communities. More than this, allowing people to tell their stories and sharing such truths to challenge state denial builds the credibility and relationships of RFBA in communities. In Guatemala, for example, having work through community networks in collecting data for the REMHI commission, both “rebuilt the entire community structure for the project [and] strengthened the church-community relationship.”<sup>43</sup> This demonstrates that there is often a blurring between dialogue-driven projects with a peacebuilding aim and efforts to tell shared truths that record the past.



Community members joining Sites of Conscience member in Peru, Caminos de la Memoria: El Ojo que Lloro, during a memorialization event. Image credit: Alejandro Tacsí

## A TYPOLOGY OF INFORMAL TRUTH TELLING

Community-based approaches to truth telling offer a highly relevant way for those most affected by histories of violence to come to terms with them and a particular opportunity for locally rooted RFBA to participate. Such informal mechanisms include those that engage with, or are led by, traditional or customary leaders in the community, who in many contexts will be faith-based actors. As has been described above, in Brazil, Chile and Guatemala, churches led what have been called quasi-truth commissions to investigate the past crimes of the state.<sup>44</sup> Former UN Secretary-General Kofi Anna acknowledged the importance of these approaches in his 2004 report:

[D]ue regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often vital role and to do so in conformity with both international standards and local tradition. Where these are ignored or overridden, the result can be the exclusion of large sectors of society from accessible justice.<sup>45</sup>

Informal truth-telling processes often develop in contrast with an inadequate or absent official process or as a device to push for their creation. Such local approaches offer both greater access than formal, institutionalized truth commissions and can be tailored to address local needs and optimally use local resources. Table 4 shows an attempt to draw up a typology of such approaches: Its incompleteness is testimony to the richness of local mechanisms to adapt to cultural circumstance.

Mechanism	Nature	Goals
<b>Civil-society truth commission</b>	An explicit effort to duplicate the form of a state-led truth commission, with no state engagement	To map and document the nature and scale of violations, often as an advocacy effort to force or shape state-led truth telling; e.g., REMHI, Guatemala; and <i>Nunca Mais</i> , Brazil (below).
<b>Community truth telling</b>	A local-level effort to tell truths of relevance to a particular community	Such mechanisms can be driven by a desire to ensure that truth is heard in the community, to offer acknowledgment to victims or to reconcile a divided community around a shared truth.
<b>Local documentation</b>	Systematic collection of testimony about violations that are recorded and safely stored	Ensure that the fact of violations is noted for sharing with potential future truth-telling or accountability mechanisms, as well as to contribute to community truth telling; e.g., Ardoyne Commemoration Project. <sup>46</sup>
<b>Traditional restorative justice rituals</b>	Many cultures have customary ceremonies for welcoming those who have transgressed back to the clan or tribe. These are often supervised by traditional leaders.	These can be used to welcome back perpetrators of violations and ex-combatants with the goal of advancing reconciliation and forgiveness and to prevent cycles of violence; e.g., Mato Oput, Northern Uganda. <sup>47</sup>

<b>Local memorialization</b>	An effort to conduct ceremonies or build structures that remember events that traumatized a community and those who died or suffered	To ensure that past violations are not forgotten, the truth is known and victims are remembered.
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**Table 4.** A partial typology of informal approaches to truth telling.

Excluded from this typology are community-based dispute resolution processes, often engaging with traditional governance – including RFBAs in some contexts – that typically seek to drive reconciliation through restorative justice processes.

## EXAMPLE

### Nunca Mais Commission, Brazil

The *Nunca Mais* commission in Brazil is one of the singular achievements in transitional justice: a five-year underground project, under the direction of the Archdiocese of São Paulo, that compiled evidence about abuses suffered by 17,000 victims of repression.

Between 1964 and 1979, the military government that ruled Brazil systematically carried out torture, disappearances and illegal executions. Brazilian military rulers were also active participants in Operación Cóndor, an alliance of South American military regimes to hunt down and execute opponents. Brazil, however, remains the only Latin American country that has not marked the end of military rule with a truth commission. In the absence of official action, an ecumenical initiative of Catholic and Protestant leaders covertly examined archives of security forces and produced *Brasil: Nunca Mais*, a comprehensive report clarifying the fate of hundreds of opponents executed or disappeared. The project has catalyzed action by several local governments and cities to honor the memory of the victims, including city-based inquiries, exhumations and reparations programs. In 2007, a federal initiative charged with issuing reparations to survivors formally recognized in a report the crimes committed by the military government.

Country	Tenure	Dates covered	Sponsor	Focus	Outcome
Uruguay	1985	1973–1982	Peace and Justice Service	Abuses by military	Report
Brazil	1985	1964–1984	Archdiocese of Sao Paulo	Various	Report
Russia	1987–1989	1917–1989	Memorial	State repression	Books; archives
Paraguay	1990	1975–1989	Committee of Churches	Various	Report
South Africa	1992	1979–1991	African National Congress	Abuses in ANC detention camps	Report
	1993	1979–1991	African National Congress	Abuses in ANC detention camps	Report; hearings
Rwanda	1993	1990–1993	International NGOs	Human rights abuses	Report
Guatemala	1993–1998	1960–1994	Guatemala City Archdiocese	Deaths and disappearances	Report
Cambodia	1995	1975–1979	Consortium of local NGOs and foreign universities	Mass killings	Online archive

*Source:* Compiled from Hayner (1994, 2000a), Kritz (1995), Mayorga (1997) and Boraine (2000).

**Table 5.** Major nongovernmental investigations of violations.<sup>48</sup>

Table 5 lists informal truth-seeking processes implemented by civil society and shows that many have been led by churches and other RFBAs.

## MEMORIALIZATION AND MEMORY WORK

The instinctive practice of memorialization and the desire to mourn, commemorate and preserve the legacy of particular events have led individuals and communities to seek solace in memory initiatives after mass violence. Such memory work is an intrinsic dimension of peacebuilding and based on the progressive construction of narratives that acknowledge that the space of memory is an arena of political struggle and one that the powerful will tend to dominate. So, while state-constructed memorials will always reflect the story that those in power and that the winners of any conflict seek to tell, there are always other spaces that can tell other stories. This is the value of informal memorialization, typically led by civil society and unfolding at a range of scales,



from the national to the highly local and using a range of approaches. A memorial need not be a structure or even a physical site but can be an event, a holiday or something that exists only online. A memorial can challenge efforts to deny truths of the past and can articulate a particular experience of the past, of a community or particular members of a community. Memory work can also serve to strengthen communities, to build solidarity and to empower those who have suffered.

### EXAMPLE:

#### Guatemala: Nimlajacoc, Cobán

Nimlajacoc is an indigenous Q'eqchi' community north of the municipality of Cobán. In 1994, when the REMHI project made its first calls to recover memory, the pastoral team of the Catholic Church in neighboring Salacuim began collecting testimonies from the many victims in the region. Twenty-eight communities decided that the memory of their great suffering could not be lost. They remembered how their parents had fled the farms of Cobán, Carchá and Chamelco and had sought new lands in the dense jungles of the north. With enormous efforts, using only hand axes, they had cleared the flattest parts to sow. However, when they began to see the fruits, others appeared and claimed the land, and a new dispossession began. The elderly, who felt the great need not to forget their memory or the deceased, received messages in dreams and decided to build a monument in the shape of a white cross on the highest peak. On this hill also lie the remains of more than 20 community members, victims of one of the many massacres in the region. Once the different communities agreed on the construction of the monument, the aid worker Bernardo Dumoulin sought funds to buy cement and iron, and they all went to work.

At the inauguration in November 1995, hundreds of Q'eqchi' families came in groups, carrying crosses with the names of their dead relatives. There was a great *watesiink*, the Q'eqchi' ceremony to feed the columns and materials that were to support the monument, smearing them with chicken blood, cocoa and boxwood. Different communities emphasized that this monument constituted a manifestation of the truth, that it

denied lies and erased the attempts to silence, deny or forget violence and suffering. At the end, the great offering called *majejak* was made in honor of their dearly departed.

The entire commemoration was so shocking that it was featured on the front page of one of the major newspapers, which had sent reporters. Along with the cross and the columns with the names of the victims engraved on dark green marble plates, a large hermitage was built, with wall paintings referring to the horrors of the armed conflict. A small community museum was also founded in the community below. In 2015, the list was increased with 62 new names at the request of other families and communities. It should be noted that all the victims are there together, the vast majority eliminated by the State Armed Forces, but also the people killed by the guerrillas and their allies.

As a peacebuilding practice, memory work should be understood to affect not through what it produces – whether this is a statue, a book or something else – but through the process of creating it. Memorials that have the most positive effect are those that promote “dynamic performances of civic engagement,”<sup>49</sup> that is, those that focus on the construction of memory that emerges from a process of contestation between different perspectives on the past. For the same reason that religious actors can be so important in conflict resolution, this shows why they can often effectively lead memorialization processes. They are trusted, often across the divides of the conflict.

## 8.5 Education for nonrepetition

Education has long been understood as an important part of peacebuilding but can also be a tool for explicitly addressing legacies of injustice. Education can be an important vehicle for remembering the past, facilitating the transmission of memory, and contributing to the promotion of peace. Because of its formative potential, education can help to shape new norms, mediate between contending narratives of the past, and nurture a culture of respect for human rights across generations that advances nonrepetition.<sup>50</sup>

Much of the potential impact on education will necessarily be formal, in the sense that education policies and curriculums will be modified by the authorities in light of past rights abuses. Education reform that includes the teaching of the recent past from a human rights perspective represents the state's commitment to institutionalizing the gains from transitional justice processes, thereby becoming an important form of acknowledgment and redress. However, there is still a significant role for RFBAs, not only where churches or other religious institutions run schools but also in preparing materials that can be used more widely. RFBAs can play an important role in initiating efforts that can be leveraged to help rebuild the broader educational network.

## 8.6 Peacebuilding

**Peacebuilding is here understood as:** [T]he development of constructive personal, group and political relationships across ethnic, religious, class, national and racial boundaries. It aims to resolve injustice in nonviolent ways and to transform the structural conditions that generate deadly conflict.<sup>51</sup>

Peacebuilding is relevant at all stages of conflict and can include conflict prevention, conflict management, conflict resolution and transformation and post-conflict reconciliation. Successful peacebuilding activities create an environment supportive of self-sustaining, durable peace; reconcile opponents; prevent conflict from restarting; integrate civil society; create rule of law mechanisms; and address underlying structural and societal issues. Particularly where the action of RFBAs is concerned, the boundary between efforts to address past injustice and peacebuilding is ill-defined, and peacebuilding activities can include all those approaches discussed in this toolkit: Truth telling, memory, education and advocacy can be explicitly aligned to build peace. Here those activities directly focused on ending conflict and advancing reconciliation will be discussed. Some of these will demonstrate the tensions that can arise between transitional justice and human rights approaches that demand criminal accountability and the prioritization of reconciliation that may seek paths of amnesty and forgiveness.

Understanding peacebuilding as the process of repairing and transforming relationships shows that it must involve encounters between those on different sides of conflict. This highlights the value of RFBAs as peacebuilders, as potentially enjoying the trust of both sides of a conflict. A mixture of locally and internationally focused components is key to building a long-term sustainable peace, and RFBAs can contribute at both these levels and integrate them when they are a part of global networks. RFBAs will often be most effective at national and local levels, where their relationships can be most useful. In particular, they can leverage their role as local, customary and traditional actors in peacebuilding, as local figures who are respected, know the context and conflict well and have a reliance on local resources.



Image credit: Josh Boot

Peacebuilding initiatives to promote conflict resolution and reconciliation can include:

- **Dialogue:** Any process that brings parties that have been in conflict together to talk can increase mutual understanding, both of one's own and others' positions. While the process of dialogue can produce an issue-based result (that contributes to resolving conflict around that particular issue), the practice of dialogue itself – creating the safe space and mechanism for exchanging views, examining assumptions and strengthening relationships – is its primary purpose. Different understandings suggest that dialogue should aim to develop “shared meanings”<sup>52</sup> or focus on transforming relationships and interrogating the dynamics of the relationship that cause the problems and must be changed before the problems can be resolved.<sup>53</sup> An RFBA can work alone to initiate community meetings to bring people together across religious or ethnic divides or to share messages of reconciliation. They can also work with other religious groups and leaders – including those from the opposite side in conflicts – to bring people together for dialogue. This can range from those in leadership positions, at the national or local level, to ordinary community members.
- **Mediation:** In contrast with dialogue as a process valuable in itself, the linked practice of mediation is understood as where “a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements.”<sup>54</sup> Mediation comprises the entire structured process of supporting negotiations, from initial contact between mediators and conflict parties, through negotiations to the implementation of agreements. Where RFBA are trusted by both parties, or where RFBA from both sides can work together as mediators, they can potentially make a substantial contribution to mediation efforts.

#### EXAMPLE:

#### Addressing land conflict in Mindanao

Land disputes and resulting conflict are often the hardest for transitional justice processes to address. The NGO Catholic Relief Services has sought to address land disputes in Mindanao that are

intertwined with ongoing violence rooted in religiously framed conflict with the Philippines state. The project used a three-step process – binding, bonding and bridging – to reconcile conflicts related to land use, access and ownership within and among identity groups. *Binding* activities create space for individual self-transformation and trauma healing; *bonding* activities strengthen relationships and mutual understanding within the respective identity groups; and *bridging* activities develop trust between identity groups to foster dialogue in the resolution of land conflicts. The approach included engaging and equipping traditional and religious leaders (TRLs) from Muslim, Christian and indigenous communities to act as community peace facilitators and strengthen local conflict resolution mechanisms. Local NGO partners trained and supported TRLs to facilitate community-level dialogue and mediation among conflicting parties. The project also linked to stakeholders at local authority levels to assure institutional support for community-identified solutions to land conflicts and to establish durable mechanisms for interagency field coordination and joint policy review.

- **Traditional and customary processes:** In many societies, traditional and customary approaches to the resolution of disputes have been developed and used to address conflicts within communities. They typically use the fact that people are bound to the tribe or group to ensure compliance with an arbitration process, often targeting family or land disputes, that takes a restorative approach to repairing the damage of breaches of codes. While those in customary governance positions typically manage these processes, there is space for religious actors to be involved.

#### EXAMPLE:

#### Zimbabwe, traditional process

In Zimbabwe, Gukurahundi, the mass killing of citizens predominantly from the Ndebele ethnic group in the Matabeleland and Midlands Provinces in Zimbabwe by military personnel from the Shona ethnic



group, remains a challenging issue. A study of the role of religion and forgiveness found that the majority of participants emphasized the abiding value of indigenous concepts and practices. Institutions such as traditional leaders, the traditional community court and Ndebele rituals such as *ukukhumelana umlotha* (in which parties in a dispute sip a mixture of ash and water together) were identified as being important. Furthermore, the idea that forgiveness must be mutual among both the Ndebele and the Shona was highlighted. It was emphasized that the process is never one of the wronged forgiving the wrongdoer but that the process goes two ways. The concept of *ubuntu* (human solidarity) among both the Ndebele and the Shona was frequently raised.

- **Training and workshops, to build skills in relevant areas:** Beyond the capacity and authority of RFBA's themselves, religious actors can also support community members and leaders by building their skills in dialogue and mediation so that they can lead such processes independently.

## RECONCILIATION

Reconciliation is a part of peacebuilding that is simultaneously a goal and a practice that resonates with many RFBA's values and is an important element of transitional justice. After situations of conflict, reconciliation needs to occur: for individual persons to find healing and cope with trauma within themselves; between individuals to restore relationships and communities, especially between victims and perpetrators; and in the sociopolitical realm to restore relationships between social, political, ethnic, religious or other groups. While it may be hasty and superficial at times, or even a code word for historical amnesia or blanket amnesty, when done properly, it can be crucial to overcoming the effects of widespread violence and preventing its return. Religious actors are likely to have a spiritually informed understanding of reconciliation – for example, linked to relationships to God or seen as God's work.

The pursuit of reconciliation by RFBA's can be pastoral, supporting individuals and communities, without ceasing to be practical. This resonates with religious approaches to transitional justice that stress the personal: building

relationships and transforming hearts and minds. The main focus of such work by RFBA's should be on restoring or strengthening fractured relationships and acknowledging that reconciliation after violence is likely to demand both truth telling and social transformation, as well as forgiveness. As such, reconciliation as a goal will be advanced by all the mechanisms of transitional justice as well as by the dedicated peacebuilding efforts of RFBA's, as outlined here.

## INTERFAITH ACTION

The most obvious contribution of RFBA's to peacebuilding is through interfaith initiatives that bring those of different faiths together for dialogue, conflict resolution and reconciliation. These can contribute to the creation of capacity to address serious problems that were affecting individuals and communities during and after conflict.

- Reconciliation-focused and social cohesion projects in mixed communities
- Promoting shared understandings of the past by engaging with those of other faiths and from other communities.



Women pray outside a mosque in observance of Eid al-Fitr in Dili, Timor-Leste, October 1, 2008. Image credit: UN Photo/Martine Perret

A simple way that RFBAs can both articulate their understanding of justice beyond their own constituency and unite with others to advance it is through bodies that bring them together with other RFBAs. These can include:

- Government bodies, including those that represent a formal consultation with RFBAs and others that seek advice and policy support from them;
- National bodies of international organizations (such as the World Council of Religions for Peace) that can bring together a range of RFBAs in any one context; and
- Interfaith or interdenominational bodies, in which RFBAs from different faiths or denominations can come together to advance peacebuilding and justice.

All such bodies can engage in a range of activities that resonate with faith-based actors' desire to promote reconciliation, understanding and conflict mediation, as well as with justice agendas that can advance and reinforce those of transitional justice.

#### **EXAMPLE:**

#### **Sri Lanka, National Peace Council/District Inter-religious Committees**

The NPC is an NGO that was formed by an inter-religious group of Sri Lankans in 1995 to campaign against election violence. It includes Buddhists, Hindus, Muslims and Christians. Its activities have included facilitating informal transitional justice processes on the foundation of inter-religious cooperation. The NPC is a space for religious actors to discuss how to work for a peaceful and permanent resolution to the protracted conflict and supports District Inter-religious Committees (DIRCs) throughout the country who work to increase dialogue. DIRCs include leaders from all faiths in the region, as well as civil society, media, youth groups, women's organization leaders and government officials. Their activities include:

- Training for DIRC members on nonviolent communication, conflict sensitivity, pluralism and diversity, political analysis, early warning and mediation, media documentation and referrals;

- Mitigating inter-religious tensions and referring cases to relevant authorities for resolution;
- Building networks between DIRCs;
- Conducting provincial-level truth forums and national symposiums to share learning and experience; and
- Conducting information dissemination campaigns on the transitional justice process.

DIRCs provided a common platform for leaders of all religions in a community to come together, discuss and share cultural values to improve communication between groups. Their collective purpose of resolving points of tension unified these groups in their role as peacekeepers within their communities.

#### **EXAMPLE:**

#### **Northern Ireland, interfaith cooperation as a structure of peace**

During the conflict in and about Northern Ireland, the churches had three "strands" of interfaith cooperation: (1) within the province of Northern Ireland, (2) North/South, including the Republic of Ireland and Northern Ireland and (3) East/West between the island of Ireland and the UK.

While churches were not involved in the formal peace process that led to the 1998 Belfast/Good Friday Agreement, its structure mimics that of the churches, with the institutions of Northern Ireland complemented by a North/South Ministerial Council, a British/Irish Council and a British/Irish Intergovernmental Conference. What this indicates is that, in any context, the relationships needed to build peace – whether leveraging interfaith or political cooperation – will be clear and that all peacebuilding should address all such relations.

## 9. CONCLUSIONS

The toolkit is the result of a GIJTR project to examine the extent to which engagement with faith-based actors can strengthen transitional justice processes, in light of the roles they have played during periods of conflict and/or authoritarian rule. The project aimed to interrogate how best practitioners should engage RFBA in formal or informal roles in transitional justice processes and the extent to which faith-based actors strengthen transitional justice, particularly, truth, reparations, justice and guarantees of nonrepetition. The Consortium and local partners conducted research to produce case studies on key contexts in which RFBA participated in formal or informal ways in transitional justice processes and the impact of their participation, or lack thereof, on these processes.

The Consortium piloted this assessment tool in Zimbabwe, where it identified and trained local CSO partners to implement a locally contextualized assessment tool, diversifying the tool's applicability and expanding its reach. Together with local CSO partners and participating communities from the pilot location, the Consortium hosted a workshop to analyze the collected data of the pilot assessment, share feedback and recommendations on the tool and generate criteria and guidelines for practitioners seeking how and to what degree they should engage RFBA in formal or informal roles of a transitional justice process. To put the pilot assessment findings into action, the Consortium provided sub-grant funding to local CSO partners that work with RFBA on transitional justice issues, to implement programming that targets areas of need identified in the assessment as well as to raise awareness and/or enhance the participation of faith-based actors in transitional justice initiatives.

This toolkit has been produced on the understanding that RFBA have a potentially substantial contribution to make to transitional justice and that often that potential is not fulfilled. It is hoped that civil society actors can use the toolkit to work with religious institutions and leaders to enhance the breadth, reach and quality of a transitional justice process, both formal and informal.

As an example of the potential importance of RFBA in transitional justice, one can look to recent data from Africa. Ninety-five percent of Africans identify with a religion, almost all as Christian or Muslim.<sup>55</sup> More than 40% of those surveyed say they contacted a religious leader at least once during the previous year, while 1 in 5 says they did so often. Religious leaders are more widely trusted and less widely seen as corrupt than any other group of public leaders and more than the police, courts and parliament. As such, while formal transitional justice processes will be steered by state officials, the role for religious leaders in such processes, as advocates for and representatives of communities who trust them, is substantial.

The toolkit has sought to lay out an approach to understanding the context, the variety of RFBA that are present and the relationships they have with communities and politics. While the toolkit cannot prescribe a recipe for the most effective engagement of such actors with transitional justice, it has tried to present potential research and information-gathering strategies that can inform an approach that best realizes the particular goals of an actor using the toolkit in any distinct context.



Religious leaders at a 2019 GIJTR workshop on dialogue and violence prevention in Conakry, Guinea.



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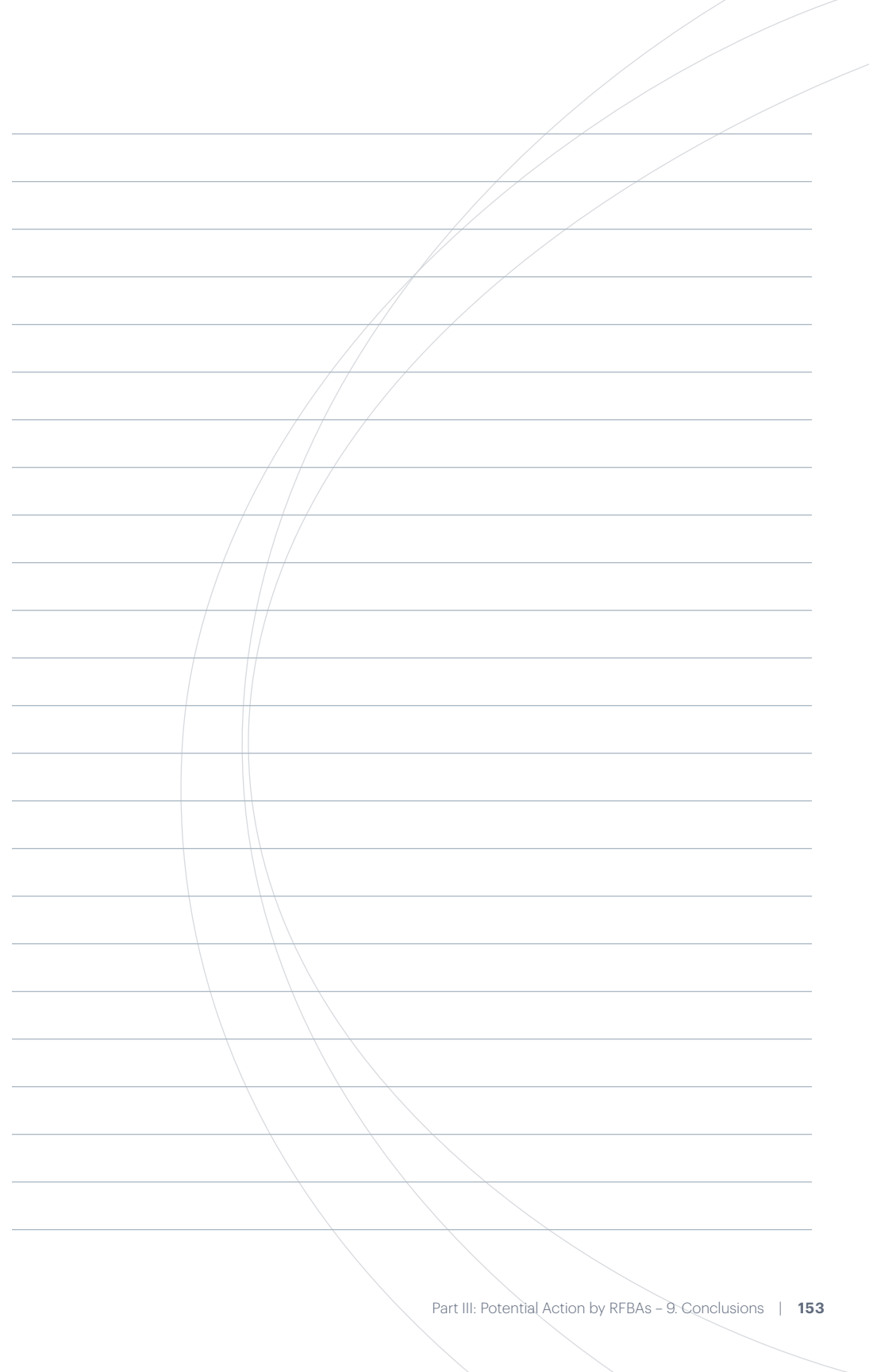
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