



RESEARCH REPORT

MAINSTREAMING POPULAR PARTICIPATION IN TRANSITIONAL JUSTICE:

LESSONS FROM MULTILATERAL,
STATE AND CIVIL SOCIETY ACTORS
IN THE GAMBIA AND SOMALIA

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For more research publications, policy briefs and other materials on this topic, please visit the **From Partnership to Participation: Multilateral Engagements with Transitional Justice in Africa** project page.

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Executive summary

Statements on the need for popular participation are increasingly common in international and national transitional justice policy and literature, yet little guidance is available on how to put participation into practice. Based on empirical research in The Gambia and Somalia and with multilateral actors supporting transitional justice in Africa, this study examines what participation looks like and provides actionable recommendations for enabling participation in a more meaningful way. The findings are relevant for transitional justice policy makers, practitioners and scholars on the continent and beyond.

The study builds on the African Union Transitional Justice Policy's provisions for community participation and acknowledgement of both formal, state-run measures and non-formal, civil society-led measures as transitional justice. The findings show that meaningful participation requires four main commitments on the part of multilateral, state and civil society actors: 1) mainstreaming, 2) localisation, 3) decentralisation, and 4) recognition of non-formal measures. Participatory transitional justice results in more inclusive, contextualised and effective processes, with broad-based buy-in for sustainable outcomes.

To start with, *mainstreaming* participation ensures that victims and survivors, communities affected by past abuses, and the broader population take an active part in the planning, design, implementation and follow-up of multiple transitional justice measures over time. The study's recommendations for mainstreaming include: initiating participation processes well before a transitional justice measure has been designed or established; including provisions for participation in any peace agreement and negotiated settlement; using participatory budgeting to ensure targeted funding for participation; nominating or appointing participants, including victims/survivors, to the leadership and operational structures of transitional justice measures; organising regular inreach and outreach activities to ensure consistent engagement and feedback on these measures; and adopting participatory monitoring and evaluation processes.

Localisation ensures that transitional justice measures resonate with local needs and conceptions of justice, as people will generally not engage with a process they do not understand or that appears to offer them no benefit. Going against the common practice of creating measures from scratch or importing measures used in other countries, our recommendations for localisation include: mapping local concepts and terms used for accountability, truth, reparation and other relevant aims, with which to contextualise transitional justice measures; mapping trusted people, processes and practices on the ground that provide existing networks and resources for more participatory transitional justice; and adapting local practices to transitional justice needs in a human rights-compliant manner.

Decentralisation, meanwhile, ensures that as broad a range of participants as possible has access to transitional justice, by identifying current and potential obstacles and developing local solutions to them. Our recommendations for decentralisation include: identifying and developing locally tailored solutions to gendered, ethnic, geographic and other barriers to participation; implementing measures at the village, district, regional and national levels, beyond urban centres, while connecting them to scale up impact; and adopting a 'rolling' model of participation that responds to changing conditions and needs, instead of a 'one-off' engagement.

In terms of *recognition of non-formal measures*, the study reveals the wealth of existing processes and practices that should be acknowledged as non-formal transitional justice measures. Ranging from traditional conflict resolution mechanisms and community dialogues to healing circles and artistic expression, they are already localised and decentralised and founded on participation. These processes are largely being implemented by civil society actors, defined broadly, meaning not only human rights and development NGOs, but also traditional and religious authorities, community-based organisations, professional associations, women's groups, student formations, victim/survivor groups, businesspeople, collectives of ordinary citizens and others, depending on the context.

Non-formal measures contribute to transitional justice as independent activities and by feeding into and strengthening formal measures. By acknowledging such measures as a legitimate form of transitional justice in themselves, multilateral, state and civil society actors can support the design and implementation of a national transitional justice process that is not one-size-fits-all, but innovative in being more participatory and contextually relevant by design.

Introduction

Popular participation is far more than an add-on to individual transitional justice measures; participation defines a whole transitional justice process. Instead of asking how to make a measure that has already been designed or is being implemented more participatory, this report examines how to mainstream participation, so it is at the core of transitional justice from start to finish – including across multiple measures and in the long term – and key to the agendas of multilateral, state and civil society actors supporting the process. Based on empirical data collected in two country contexts in Africa and from multilateral actors, the report makes recommendations that are relevant throughout the African continent, and beyond.

The African Union Transitional Justice Policy (AUTJP) defines transitional justice as

the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation.¹

The policy emphasises that transitional justice consists not only of “formal” or state-led measures but also of “non-formal” or civil society-led measures. It also provides for “community participation” and “active participation” in all stages of transitional justice.²

Building on the guidance of the AUTJP, we examine ways to ensure meaningful participation in transitional justice in Africa, which demands the involvement of victims and survivors, affected communities and the broader population in multiple stages of a process in ways that enable their agency over the goals, form and outcomes of that process. When populations have the opportunity, access and resources to help develop transitional justice in their countries, the process has more popular buy-in, which means it is more effective and sustainable.

Our research in The Gambia and Somalia – countries that differ significantly in terms of the nature of the challenges they face and that have very different needs of transitional justice – indicates that by mainstreaming participation, multilateral, state and civil society actors can support victims/survivors and communities directly affected by violations, as well as those indirectly impacted, to participate in the planning, design, implementation and follow-up of transitional justice measures. With this approach, populations become not just targets of transitional justice, but active participants. As a result, the process that emerges is more relevant, legitimate and impactful.

We argue that the most direct route to meaningful participation is to build on what is already there. Multilateral, state and civil society actors benefit from identifying existing processes and practices that are known and trusted by local populations, instead of creating them from scratch or importing measures used in other countries. These processes and the people who implement them offer knowledge, networks, resources and avenues of participation that can be enhanced for a more contextualised and inclusive transitional justice.

Local civil society is a crucial actor in both formal and non-formal measures, driving most existing processes and practices on the ground. While the term ‘civil society’ is usually associated with human rights nongovernmental organisations (NGOs), it in fact covers a broad range of actors, including community-based organisations, religious and traditional authorities and groups, professional associations, women’s groups, student formations, victim/survivor groups, businesspeople, collectives of ordinary citizens, and others, depending on the country.

1 African Union (2019) African Union Transitional Justice Policy, para. 19, https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf
2 Ibid., paras. 19 and 33(iii).

Different types of civil society can help formal measures, such as truth commissions, prosecutions, reparations and institutional reforms, mainstream participation through their extensive networks and activities on the ground. They can help localise transitional justice, making sure it resonates with local needs and understandings of justice to draw in more participants. Moreover, civil society can help decentralise transitional justice, identifying obstacles and developing local solutions to ensure access to formal measures for a broader and more representative range of people. This is especially important for marginalised groups, whose participation may be constrained, for example, by gendered care expectations, lack of disabled access, mental health challenges or geographic location, as well as social norms based on religion, ethnicity, gender, age, class and other markers.

For non-formal measures, different kinds of civil society actors have in-depth knowledge of longstanding processes and practices that can strengthen transitional justice and participation in it. Non-formal measures may include sub-national traditional conflict resolution mechanisms, community dialogues, storytelling and memory activities, healing circles, educational initiatives, or forms of artistic and cultural expression, which are grounded in local participation. By acknowledging such measures as a legitimate form of transitional justice in themselves, multilateral, state and civil society actors can support the design and implementation of a national transitional justice process that is not one-size-fits-all, but innovative in being more contextually relevant by design.

Importantly, by creating links between formal and non-formal measures, state, multilateral and civil society actors can enable a more representative process, grounded in popular participation, where state actors partner with broad-based civil society. Being participatory, and driven by the grassroots, this process may not end up looking like transitional justice in other countries. Also, where participation is seen as effective, transitional justice can model the benefits of active citizenship and serve as an advocacy platform for greater participatory governance in all sectors. The transitional justice process can serve as an example from which governance lessons can be drawn.

In addition to an extensive literature review, this report is based on fieldwork in The Gambia and Somalia. Women in Liberation and Leadership in The Gambia conducted 19 interviews and three focus group discussions with victims/survivors, civil society representatives, former truth commission staff and multilateral actors between January and August 2024 in Banjul, Brusubi and Sintet.³ Somali Public Agenda in Somalia conducted 56 interviews and eight focus group discussions with grassroots, federal and state-level, and multilateral actors between November 2023 and April 2024 in Mogadishu, Dhuusamareeb and Gaalkacyo.⁴ We complemented this fieldwork with 24 interviews with representatives of international and regional organisations such as the African Union and the United Nations, state donor bodies, private foundations and international NGOs supporting transitional justice in Africa, between February and April 2024.⁵

The report begins by outlining key conceptualisations of participation in the field of transitional justice. Following an overview of formal and non-formal transitional justice measures in The Gambia and Somalia, we share respondents' understandings of transitional justice, factors that affected their participation, and the role of national and multilateral actors in supporting participation. We then present lessons and recommendations

3 Fatou Baldeh and Ya Lena B. Houma (2025) Transitional Justice in The Gambia: Enabling Popular Participation, Centre for the Study of Violence and Reconciliation and Women in Leadership and Liberation, <https://www.csvr.org.za/transitional-justice-in-the-gambia-enabling-popular-participation>

4 Farhia Mohamud (2024) Enabling Popular Participation in Transitional Justice in Somalia, Centre for the Study of Violence and Reconciliation and Somali Public Agenda, <https://www.csvr.org.za/enabling-popular-participation-in-transitional-justice-in-somalia>

5 Simon Robins and Jasmina Brankovic (2024) Maximising Popular Participation in Transitional Justice in Africa: A Guidance Paper for Multilateral Actors, Centre for the Study of Violence and Reconciliation, <https://www.csvr.org.za/maximising-popular-participation-in-transitional-justice-in-africa-a-guidance-paper-for-multilateral-actors>

for strengthening popular participation in transitional justice, focusing on mainstreaming, localisation and decentralisation, recognising non-formal measures, and modelling participatory governance.⁶

Participation and transitional justice

Participation as a normative good emerges from the understanding that “participation enables the advancement of all human rights.”⁷ More than this, participation in public affairs is seen as a human right itself.⁸ While the responsibility and accountability for taking decisions rests with state authorities, the participation of various sectors of society allows the authorities to both deepen their understanding of specific issues and enhance the perceived legitimacy of the actions they take.

Conceptualisations of participation have largely focused on a model of citizen control of state-run processes, framed as contestation – in terms of a power relationship – between the state and citizens.⁹ Perhaps the most widely referenced framework is that of a “ladder of participation,”¹⁰ conceived by Sherry Arnstein as essentially the consequence of a power struggle between citizens trying to move up the ladder, and controlling institutions limiting their ascent.¹¹

This linear, hierarchical and individualised understanding of participation has been challenged by scholars in a number of fields with an appreciation of the complex set of relationships that exist in many ongoing participatory situations, where roles are less easy to define and responsibilities emerge during, and as a consequence of, the participatory process itself. This contrasting understanding seeks to look beyond a power struggle between citizens and the state and understand power as productive and relational. Such a lens perceives participation as contingent and dynamic, and emerging as both a product of and a contributor to the contestation around the nature, form and implementation of state-run processes, particularly in the aftermath of repression or armed conflict.

In transitional justice theory and practice, participation is both challenging to define and contested. The emergence of the notion in the early 2000s coincides with the turn to participation in the development field. It became employed largely as a validating narrative for transitional justice in the face of growing recognition of its limited legitimacy and effectiveness. Popular ownership, it was claimed, would be strengthened by affording ordinary people, and in particular victims and survivors, a greater role in justice interventions. This would make transitional justice mechanisms ‘victim-centred.’¹² Such calls coincided with the field’s consolidation as an “industry”

6 To read all of the detailed research reports, guidance papers and policy briefs emerging from this study, please see Centre for the Study of Violence and Reconciliation (n.d.) Mainstreaming Popular Participation in Transitional Justice in Africa, <https://www.csvr.org.za/from-partnership-to-participation>

7 Office of the High Commissioner for Human Rights (2018) Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs, https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

8 Ibid.

9 e.g. David Taylor (2014) Victim Participation in Transitional Justice Mechanisms: Real Power or Empty Ritual? Impunity Watch, https://www.impunitywatch.org/wp-content/uploads/2022/08/DiscussionPaper_Victim_Participation_in_Transitional_Justice_2014_eng-1.pdf

10 Sherry R. Arnstein (1969) A Ladder of Citizen Participation, *Journal of the American Institute of Planners*, Volume 35: 216–224.

11 e.g. Kevin Collins and Ray Ison (2009) Jumping Off Arnstein’s Ladder: Social Learning as a New Policy Paradigm for Climate Change Adaptation, *Environmental Policy and Governance*, Volume 19: 358–373.

12 Simon Robins (2017) Failing Victims? The Limits of Transitional Justice in Addressing the Needs of Victims of Violations, *Human Rights and International Legal Discourse*, Volume 11: 41–58; David Taylor (2014) Victim Participation in Transitional Justice Mechanisms: Real Power or Empty Ritual? Impunity Watch, https://www.impunitywatch.org/wp-content/uploads/2022/08/DiscussionPaper_Victim_Participation_in_Transitional_Justice_2014_eng-1.pdf

of international experts and templates, and its near “severance”¹³ from the advocacy and activism at its genesis, where victim/survivor participation drove and created the field.

While a commitment to victim/survivor participation, and popular participation more broadly, has become reflexive in transitional justice and is now a part of mainstream transitional justice discourse, a number of criticisms of its scope and operationalisation have emerged. These include the challenges involved in engaging victims/survivors and others in formal transitional justice processes, the fact that participation actually most often engages NGOs to the exclusion of other civil society formations and is thus typically a ‘thin’ participation, and the fact that participation engages around an agenda that is quite narrowly defined. The importance of participation emerges from an understanding that communities are not solely targets of a transitional justice process, but rather a source of insight, resources, networks and skills that can transform the relevance and effectiveness of that process.

Focusing on the African context, the AUTJP includes “community participation” in its definition of transitional justice.¹⁴ In its guiding principles, the policy states that transitional justice processes must “promote the participation and address the needs of marginalized and vulnerable groups such as women and girls, the elderly, disabled and youth,”¹⁵ and more specifically the “active participation of women and youth through affirmative action measures in designing and implementing the full measure of transitional processes crafted for the transitional needs of the affected country.”¹⁶ Moreover, the AUTJP provides detailed guidance on ensuring participation in its indicative elements of transitional justice – particularly peace processes, transitional justice commissions, reparations, memorialisation, justice and accountability, political and institutional reforms, and human and peoples’ rights – as well as the cross-cutting issues of women and girls, children and youth, persons with disabilities and older persons.

At no point, however, does the AUTJP seek to define what participation means. Furthermore, participation is not addressed in detail in the roadmap for the implementation of the policy.¹⁷ The AUTJP’s engagement with the concept indicates both how prominent participation is in transitional justice rhetoric and the extent to which the term is under-theorised: the field is yet to make full use of related debates and theorisations in linked fields, such as development and participatory democracy.

The scope or extent of participation in formal transitional justice mechanisms has tended to be limited. Victims/survivors typically provide information to truth commissions and provide statements to courts, but there are few or no opportunities in practice for victims/survivors to bring their knowledge and imaginaries to bear, for example, in informing the conceptualisation and design of such commissions or proposing alternative mechanisms to them.¹⁸ Public consultations as an “invited space”¹⁹ of participation in advance of the formation of truth commissions and other formal mechanisms can be undermined, for instance when key decisions have already been made or are inserted afterwards, as well as by the challenges many face to access such spaces.

The participation literature has failed to engage significantly with non-formal transitional justice measures, maintaining a focus on formal measures. Intuitively, it would seem that measures that unfold in community

13 Christine Bell (2022) *Transitional Justice: Understanding the Field*, Routledge, 91.

14 African Union (2019) African Union Transitional Justice Policy, para. 19, https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf

15 Ibid., para. 33(iii).

16 Ibid., para. 39(ii).

17 African Union (2020) Roadmap for the Implementation of the African Union Transitional Justice Policy, https://au.int/sites/default/files/documents/41242-doc-Roadmap_for_the_Implementation_of_AU_ENGLISH_Sep_091.pdf

18 These characterisations of such engagement are taken from Jennifer Tsai and Simon Robins (2018) *Strengthening Participation in Local-Level and National Transitional Justice Processes*, International Coalition of Sites of Conscience, 52, <https://www.sitesofconscience.org/wp-content/uploads/2018/06/Strengthening-Participation-Toolkit-online.pdf>

19 Andrea Cornwall (2017) Introduction: New Democratic Spaces? The Politics and Dynamics of Institutionalised Participation, *IDS Bulletin* 48(1A), 1.

spaces, led by civil society actors or community or religious leaders, would have great advantages in ensuring participation. They are close to communities, both physically and epistemically, using approaches and language that are accessible and comprehensible to ordinary people in a way that formal process may not always be.²⁰ While there is significant literature on non-formal mechanisms, it does not always use the language of participation in articulating their benefits.

In response to these criticisms of participation, many commentators use the term ‘meaningful’ to describe the nature of desired participation in transitional justice, intending to contrast what is seen as nominal or instrumental participation. For example, UN Women has published research seeking to understand ‘meaningful’ participation in transitional justice from a gender perspective, defining it in terms of participants’ free access to and agency to represent their interests in “settings, mechanisms and positions of power” to shape decision-making outcomes.²¹ Claiming that transitional justice has been more concerned with “with greater rather than more meaningful participation,” Pamina Firchow and Yvette Selim define meaningful participation as a “process that values different actors’ forms of knowledge and expertise and enables knowledge to be transferred from locals to outsiders and between locals, thereby overcoming ‘legitimate’ knowledge being derived from privileged (external) experts,” such that “participants have the ability to shape and inform the TJ process.”²²

Such definitions encompass the values of access, presence, knowledge and agency, which can effectively summarise how participation in transitional justice process can be understood. What they omit, however, is the importance of power in determining who has influence over a such a process, and participation as being linked to, or a part of, processes of empowerment. In practice, power is relational and concerned constituencies in a transitional context, including victims/survivors, will seek to both build and leverage relationships to advance their goals. This highlights that participation must be conceptualised beyond the binary of state and victim/survivor, to include the many complexities of a particular context and an understanding of how contextual factors shape both the nature and outcomes of participation.

It should be noted, finally, that there has to date been no substantive evidence base to suggest that participation concretely improves either a process overall or particular impacts on victims/survivors and others. In fact, some data suggest that “real-life experiences of victim participation in TJ mechanisms lag far behind the promises of the ‘mantra’ of victim participation”²³ and that participation can be actively negative for participants, in terms of security problems, political pressures and continued discrimination faced by victims/survivors.

This study provides new data and analysis on participation in transitional justice in The Gambia and Somalia and through the lens of multilateral engagement with processes. We identify approaches to participation in transitional justice that can serve as a practical basis for a broad range of actors – including multilateral, state and civil society actors – to support participation in ways that operationalise the concept within the framework of the AUTJP.

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- 20 Ralph Sprenkels (2018) Restricted Access: Promises and Pitfalls of Victim Participation in Transitional Justice Mechanisms, Impunity Watch, https://www.impunitywatch.org/wp-content/uploads/2022/08/ResearchReport_Restricted_Access_Promises_Pitfalls_Victim_Participation_2017_eng-1.pdf
 - 21 UN Women (2022) Women’s Meaningful Participation in Transitional Justice: Advancing Gender Equality and Building Sustainable Peace, 23, <https://www.unwomen.org/sites/default/files/2022-03/Research-paper-Womens-meaningful-participation-in-transitional-justice-en.pdf>
 - 22 Pamina Firchow and Yvette Selim (2022) Meaningful Engagement from the Bottom-Up? Taking Stock of Participation in Transitional Justice Processes, International Journal of Transitional Justice, Volume 16.
 - 23 Ralph Sprenkels (2018) Restricted Access: Promises and Pitfalls of Victim Participation in Transitional Justice Mechanisms, Impunity Watch, 4, https://www.impunitywatch.org/wp-content/uploads/2022/08/ResearchReport_Restricted_Access_Promises_Pitfalls_Victim_Participation_2017_eng-1.pdf

Transitional justice in The Gambia and Somalia

The Gambia and Somalia are radically different contexts. The Gambia is representative of what has become known as the transition paradigm,²⁴ a state emerging from a period of authoritarian rule, with a newly elected strong central government apparently committed to addressing legacies of past violations. In contrast, Somalia remains impacted by armed conflict that has affected it since 1991, including long periods with no central authority. The state continues to fight armed insurgents and sees significant authority held by both devolved entities and traditional leaders.

These two contexts allow the study to engage with diverse contexts with different needs, as well as different political spaces in terms of their receptivity to transitional justice, and to explore how formal and non-formal measures can complement each other. While transitional justice in both theory and practice has always acknowledged that processes beyond the state can be valuable, non-formal approaches have long been marginalised in favour of a narrow and prescriptive model dominated by rather few types of formal measure.

In both The Gambia and Somalia it is seen that non-formal measures can not only improve the overall performance of a transitional justice process, but also dramatically enhance the quality of popular participation in it. In Somalia, where the authority of the state is challenged by the respect given to local, traditional and religious leaders, the popular legitimacy of – as well as participation in – formal measures is drastically enhanced by linking them to non-formal measures driven by such actors and rooted in the norms they represent.

The Gambia

The Gambia began a transitional justice process in 2017 after the fall of Yahia Jammeh, who ruled the country with an iron fist for over two decades. The new government, led by President Adama Barrow, initiated a comprehensive transitional justice process.²⁵ In December 2017, following public consultations, the National Assembly passed a bill establishing the Truth, Reconciliation and Reparations Commission (TRRC), mandated to establish an impartial historical record of the nature, causes and extent of violations of human rights committed under Jammeh from July 1994 to January 2017. The TRRC was an institutional process held in urban centres, with which people could engage by sharing a statement or giving testimony in public hearings. Hearings were broadcast on radio and television. The TRRC received over 1,500 statements and heard testimony from 392 witnesses, the majority of whom were victims/survivors.

The TRRC Secretariat oversaw these operations, supported by the Victims' Support Unit, which acted as the first point of contact for victims/survivors; the Psychosocial Support Unit, which helped care for victims/survivors' and TRRC personnel's mental health and psychosocial support (MHPSS) needs; the Women's Affairs Unit, which supported female victims/survivors and engaged women in communities around the TRRC process; and the Communications, Outreach and Media Unit, which disseminated information and key messages about the process. The TRRC also had research and legal teams, as well as an investigation unit composed of experts from different fields, including historians, lawyers, human rights advocates and social scientists.²⁶

At the same time, civil society organisations (CSOs) in the country established non-formal measures, working with victims/survivors, affected communities and other citizens to encourage national participation in transitional justice. Some of these non-formal measures, such as documentation of violations, statement taking and community

24 Thomas Carothers (2002) *The End of the Transition Paradigm*, *Journal of Democracy*, Volume 13: 5–21.

25 Human Rights Watch (2019) *The Gambia: Atrocities of the Past Unveiled*, <https://www.hrw.org/news/2019/07/22/gambia-atrocities-past-unveiled>

26 All volumes of the Truth, Reconciliation and Reparations Commission final report are available at Ministry of Justice (n.d.) Downloads, <https://www.moj.gm/downloads>

outreach, fed into the TRRC and other formal mechanisms. Other measures, such as community dialogues, healing processes and exhibitions, have run parallel to the formal mechanisms and served as forms of transitional justice in themselves. In contrast to the TRRC, non-formal measures were typically instantiated at a local level, in communities, and organised by CSOs with the participation of other civil society actors, particularly local, traditional and religious leaders. Participation in such non-formal measures has been facilitated by the fact that they are accessible, both physically, as they unfold within communities, and conceptually, as they are founded on local understandings of justice.²⁷

For this study, the processes studied in depth in The Gambia are the TRRC, as the formal mechanism, and Listening Circles, a non-formal measure established by Women in Liberation and Leadership (WILL).²⁸ WILL's Listening Circles seek to create spaces where women feel safe to share their stories of past violations without fear of stigma, shame, victim-blaming, retaliation and societal attitudes that privilege men over women. Guaranteeing participants' confidentiality and privacy, while also providing access to MHPSS, WILL shared information, feedback, recommendations and suggestions from the Listening Circles with the TRRC Secretariat, increasing the commission's access and knowledge. The Gambia's experience is particularly valuable as the government's TRRC recommendations implementation plan, released after the commission submitted its report to the presidency in 2021, prioritises participation, stating the importance of "meaningful participation" at "all stages of implementation."²⁹

Somalia

Since the collapse of the state in 1991, Somalia has suffered armed conflict for more than three decades. In recent years, the country's increasing stability has meant that transitional justice has become an option for addressing the violence and gross human rights violations that have marked its history since the colonial period.³⁰ Since the Federal Government of Somalia was inaugurated in 2012, many parts of the country have been liberated from al-Shabaab, an Islamist armed group that continues to commit violations in the areas they control. In addition, the majority of Somalis are today facing the challenges of illegal land grabbing, social injustice and clan conflict, often intensified by the impacts of climate change and weak central governance.

While federal and state governments have not yet established any of the formal measures typically associated with transitional justice – truth commissions, prosecutions, reparations or institutional reforms – different types of measures have emerged in the country that could be considered precursors or even themselves forms of transitional justice. More than this, there is a lively ecosystem of traditional justice approaches that are routinely used by Somalis, particularly given a slow and dysfunctional formal justice sector, which are relevant for transitional justice. Local traditional justice mechanisms such as *xeer* practices are indigenous methods that embody restorative justice principles and are characterised by negotiation, mediation and arbitration based on clan consensus. They frequently integrate Islamic legal principles and norms.³¹ In other

27 Global Initiative for Justice, Truth and Reconciliation (2023) Civil Society and Transitional Justice in The Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia>

28 For the detailed analysis, see Fatou Baldeh and Ya Lena B. Houma (2025) Transitional Justice in The Gambia: Enabling Popular Participation, Centre for the Study of Violence and Reconciliation and Women in Leadership and Liberation, <https://www.csvr.org.za/transitional-justice-in-the-gambia-enabling-popular-participation>

29 Ministry of Justice (2023) Implementation Plan to the Government's White Paper on the Recommendations of the Truth Reconciliation and Reparations Commission, <https://moj.gov.gm/wp-content/uploads/2024/12/IMPLEMENTATION-PLAN-TO-THE-GOVERNMENT-S-WHITE-PAPER-ON-THE-RECOMMENDATIONS-OF-THE-TRRC.pdf>

30 Fowsia Abdulkadir and Rahma Abdulkadir (2014) Transitional Justice Mechanisms for Somalia, *Northeast African Studies*, Volume 14: 1–6.

31 Heritage Institute for Policy Studies (2024) Transitional Justice in Clan-based Societies, Case Study: Somalia, <https://heritageinstitute.org/transitional-justice-in-clan-based-societies-case-study-somalia/transitional-justice-report-1>

instances, certain elements of Islamic jurisprudence are used to address instances of mass violence, including retributive processes.³²

In Somalia,³³ the formal measure studied in depth is the National Reconciliation Framework (NRF), which is designed to address deep-seated divisions through dialogue and locally led reconciliation processes, reflecting Somali cultural conflict resolution practices based on community discussion and consensus building. The Somali cabinet approved the NRF in February 2019, and efforts have been made to implement it at the village, district, regional and national levels. The NRF's pillars include reimagining a national *heshiis bulsho* (social contract); dealing with the past; restoring community relationships; building trust in government institutions; and supporting economic recovery activities, among others.

The non-formal measure, meanwhile, is the Peace and Development Forum (PDF), formed in 2017 in the Mudug region with the goal of seeking an end to political and clan-driven conflicts around Gaalkacyo city. Composed of community members and representatives from sectors such as education, business, health and media, the PDF uses indigenous, traditional practices and elements of sharia, or Islamic law, to catalyse reconciliation. It has played a crucial role in removing the imaginary *qadka cagaaran* (green line) that separated Gaalkacyo's communities into south and north, thereby promoting social integration.³⁴ Together, these measures offer insights into the challenges and opportunities of participation.

Experiences of participation in The Gambia and Somalia

The formal and non-formal measures developed in The Gambia and Somalia provide a wealth of lessons for strengthening participation in transitional justice when implemented separately, but particularly when implemented in a complementary manner. Here, we summarise the findings of the study in terms of perceptions of the experience of participation and the respective roles of national and multilateral actors.

Participants' understandings of transitional justice

An element of the study was to understand what people, and in particular victims/survivors, understand transitional justice to be in their context. The study shows that these perceptions are influenced by the context, in terms of the history and status of political violence, traditions and cultural approaches to rights violations, as well as any ongoing process that articulates a particular vision of transitional justice.

In The Gambia, the formal transitional justice process, through media messaging, awareness-raising activities, and statement and testimony giving, shaped many respondents' understandings of transitional justice. Interviewees echoed the TRRC in defining transitional justice as "addressing past atrocities, holding perpetrators accountable, providing justice to victims, and preventing future human rights abuses,"³⁵ although many expected these outcomes to occur within a short period of time linked to the TRRC's operations.

32 Rahma Abdulkadir and Caroline Ackley (2014) The Role of Shari'a-Based Restorative Justice in the Transition from Armed Conflict to Peacebuilding: Do Somalis Hold the View that the Restorative Justice Aspects within Qisas Offer a Solution? *Northeast African Studies*, Volume 14: 111–131.

33 For a detailed analysis, see Farhia Mohamud (2024) *Enabling Popular Participation in Transitional Justice in Somalia*, Johannesburg: Centre for the Study of Violence and Reconciliation and Somali Public Agenda, <https://www.csvr.org.za/enabling-popular-participation-in-transitional-justice-in-somalia>

34 Interview, PDF member, Gaalkacyo, 15 January 2024.

35 Interview, victim/survivor of SGBV, Brusubi, 18 January 2024.

Aside from indicating that non-formal measures complemented the TRRC and made it easier to grasp and engage with, respondents' remarks suggest these measures provided a broader experience and sense of transitional justice, as enabling bonding, solidarity and support among victims/survivors, as well as reflection and healing.³⁶ In addition, while largely run by CSOs like WILL, non-formal measures incorporated other civil society actors and processes, particularly traditional leaders such as *alkalos* (chiefs) and *kenelengs* (traditional communicators), building on their authority and capacity to bring people together in ways that the formal transitional justice process did not.³⁷

In Somalia, respondents understood transitional justice as strongly linked to reconciliation and articulated an understanding that truth-telling – particularly by perpetrators – could lead to forgiveness, which could end cycles of violence.³⁸ The study revealed a tension between the restorative approach suggested by this understanding of transitional justice, which has long been a part of customary inter-clan dispute resolution, and retributive approaches linked to Islamic law. The latter typically prescribes either the payment of 'blood compensation' to a victim's family, or the death penalty, for any killing.³⁹

Respondents who engaged with the NRF reflected the emphasis on reconciliation of that project, but the study showed that – at least in some cases – this was a result of low expectations of retributive justice for perpetrators.⁴⁰ This finding reveals the challenges for transitional justice in Somalia, which must both build trust in the state justice system and leverage strong traditional institutions and cultures of conflict resolution that privilege restorative approaches.

Factors affecting participation

Obstacles to popular participation in transitional justice are both practical and societal, as well as linked to perceptions of a particular measure.

Looking at formal measures, respondents noted that participation in The Gambia's TRRC was constrained by personnel largely being located in urban centres and potential participants facing challenges such as covering transportation costs.⁴¹ A significant barrier was fear of victim-blaming, stigma and ostracisation among victims/survivors, particularly women and girls. Fear of repression and backlash further affected people's willingness to engage in open dialogue, especially on sensitive topics like sexual and gender-based violence (SGBV).⁴² In certain regions, security fears affected participation, with some fearing retaliation for engaging in sensitive discussions concerning transitional justice.⁴³

Related concerns prevented people from giving testimony to the TRRC, on the understanding that it would necessarily be broadcast. One respondent observed that "most families did not want their family members to go on TV to talk about certain things which they believe would bring shame or dishonour to their family name."⁴⁴

36 Interview, victim/survivor of SGBV, Brusubi, 18 January 2024.

37 Global Initiative for Justice, Truth and Reconciliation (2023) Civil Society and Transitional Justice in The Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia>

38 Interview, human rights activist, Dhuusamareeb, 9 January 2024; focus group discussion (FGD), businesspeople, South Gaalkacyo, 16 January 2024.

39 Interview, religious leader, Dhuusamareeb, 12 January 2024.

40 Interview, victim, Dhuusamareeb, 9 January 2024.

41 Interview, victim/survivor of state violence, Sintet, 23 January 2024.

42 Truth, Reconciliation and Reparations Commission (2021) Final Report, Volume 10: Sexual and Gender-Based Violence, <https://www.moj.gm/download-file/d6f0263e-6446-11ec-8f4f-025103a708b7>

43 Interview, victim/survivor of state violence, Brusubi, 16 January 2024.

44 Interview, victim/survivor of SGBV, Brusubi, 17 January 2024.

An additional constraint on participation can be a lack of resonance of the agendas of the formal process with those of potential participants. For example, in a context suffering endemic poverty, a process that does not foreground reparations may simply not be of interest.

In Somalia, participation in the NRF has largely been on the basis of invitation extended by the authorities, and this has often excluded those not known to them. Young mothers have faced logistical and childcare challenges that hinder their participation, while gender norms and stereotypes further limited women's involvement, with some being barred from attending workshops by male guardians.⁴⁵ Another barrier to participation has been lack of trust in government representatives and institutions, as well as the high rate of turnover among government officials, which hinders meaningful relationship and trust building.⁴⁶ Moreover, agreements and verdicts reached via the NRF have at times not been implemented or enforced, which further undermined ongoing participation.⁴⁷

The study shows that non-formal measures present fewer barriers to participation. In the case of WILL's Listening Circles, respondents said they felt more comfortable because events were held in confidential spaces and, taking place in local communities, did not require travel. They also had concrete impacts in terms of building support networks for victims/survivors that were valued.

Non-formal measures in Somalia appear to face more scepticism than in The Gambia, with respondents noting issues of mistrust, lack of funding and, especially, clan loyalty, and financial support for male elders, which limit female participation.⁴⁸ Nonetheless, the study shows that the PDF is gaining trust and increased participation with time, especially as the capacity of young people to actively contribute is acknowledged.⁴⁹ Despite their exclusion from decision-making roles, the number of women participants in particular has increased and their role as peacebuilders has been recognised within the PDF and at the national level.⁵⁰

Role of national actors

In every transitional justice measure, formal or non-formal, there will be roles for both state actors and for civil society. Here, we outline what role national actors played in the processes studied.

In The Gambia, the state drove the process of creating the truth commission and establishing its mandate. An initial consultation was made prior to finalising the body but it was limited. The constraints on TRRC capacity were also clear: it had a short timeline and a limited budget. While the commission conducted outreach and community-based activities to encourage participation, including town hall meetings, village dialogues and school outreach programmes, its participatory elements were highly constrained. Respondents indicated that had victims/survivors been involved in the design and operations of the TRRC, they would have gained agency and ownership of the process, in addition to contributing more effectively to the call for witnesses to come forward and thereby increasing the evidence base of cases of human rights violations.⁵¹

⁴⁵ Interview, victim/survivor of state violence, Sintet, 23 January 2024.

⁴⁶ Interview, United Nations Mission in Somalia official, online, 6 March 2024.

⁴⁷ Interview, clan elder, Dhuusamareeb, 7 January 2024.

⁴⁸ Interview, women, North Gaalkacyo, 23 January 2024.

⁴⁹ Interview, peace activist, Dhuusamareeb, 11 January 2024.

⁵⁰ Interview, clan elder, South Gaalkacyo, 17 January 2024.

⁵¹ Interview, victim/survivor of SGBV, Brusubi, 18 January 2024.

For civil society actors working in The Gambia, this represented both a constraint, in that it limited the relevance of the TRRC to many victims/survivors and communities, but also an opportunity, in that civil society could seek to fill that gap. Respondents indicated a high degree of familiarity with different CSOs in the country and their interventions, including how they helped foster victim/survivor participation in the TRRC. As highlighted by one respondent:

Local CSOs did help to boost participation a lot. Many people did not understand what the transitional justice process was about but with the help of the CSOs the process was broken down into simpler forms and made more digestible to the local population. So, I would say that their work helped a lot to get people to come forward.⁵²

WILL's Listening Circles occurred independently of the TRRC, providing a space at the community level where victims/survivors could both find support and solidarity and share their experiences without fear. This allowed women to voice their experiences, concerns and expectations of the TRRC, with a focus on the Foni region that was ex-dictator Jammeh's homeland. Because the TRRC was seen as a threat in Foni and largely boycotted, there were few routes for women to have their stories heard in the region. Furthermore, the Listening Circles complemented the commission, by collecting testimony and recommendations and sharing them with the TRRC Secretariat. WILL was not perceived as having an agenda against any community or individuals and therefore had access to marginalised groups in a way that the TRRC could not alone, including in Foni.⁵³

WILL and other CSOs in The Gambia have worked with a range of other civil society actors, including community, traditional, religious leaders, youth and women leaders, to promote peacebuilding, social cohesion and reconciliation at the community level. These actors also contributed to the TRRC process by raising awareness of the commission and encouraging victims/survivors to give statements and testimonies. WILL itself worked with *kenelengs* to disseminate key findings and recommendations of the TRRC and to encourage reconciliation. One output of this was a shadow report that focuses on experiences of SGBV among women and girls in urban and rural communities during Jammeh's dictatorship.⁵⁴

In Somalia, the federal Ministry of Interior, Federal Affairs and Reconciliation (MOIFAR) has been key in developing and decentralising the NRF, with its technical taskforce involved in the framework's creation, review and validation since its inception.⁵⁵ Civil society played a crucial complementary role by providing expertise, insights and links to communities. Civil society actors, understood broadly as including women, clan elders and youth, participated in community engagement, which was essential for the legitimacy and effectiveness of the NRF. Clan elders and religious leaders continue in their traditional role of mediating clan conflicts and promoting peace through mosques and schools, but are also active in the NRF, constituting a bridge between traditional and longstanding reconciliation practice and the NRF as a novel intervention to advance peace.⁵⁶

Minority groups, youth and women have been involved in the NRF process, although women's participation has been limited, despite MOIFAR implementing a 30 percent quota for women to ensure their inclusion. While women's attendance in consultation meetings has been significant, they have not had a proportionate impact on decision-making, reflecting low quality, less meaningful, participation. One of the notable contributions of women was the phrase *dhab-u-heshiisiin* (genuine reconciliation), introduced by a woman in Mogadishu, which has become

52 Interview, victim/survivor of state violence, Brusubi, 17 January 2024.

53 Interview, victim/survivor of SGBV, Brusubi, 18 January 2024.

54 Women in Liberation and Leadership (2022) TRRC Shadow Report: Perspectives of Women, Girls and Marginalized Communities on Sexual and Gender Based Violence, <https://www.womeninliberation.org/s/WILL-TRRC-Shadow-Report-on-SGBV.pdf>

55 Interview, MOIFAR official, online, 9 December 2024.

56 Interview, Somalia Non State Actors (SONSA), Mogadishu, 14 November 2023.

a nationally embraced term, showcasing the influence of ordinary citizens in the reconciliation process.⁵⁷ Youth also have had an important role, with one substantial achievement being the use of education to prevent clan recruitment of children into militias.⁵⁸ Young people have also spread the word about the NRF on Facebook and other social media platforms.⁵⁹

The PDF, meanwhile, in its efforts to resolve conflicts in Gaalkacyo and its surroundings, has received the support of both federal and state governments.⁶⁰ The federal government has played an important role, with then President Mohamed Abdullahi Mohamed intervening in 2018 to forge an agreement with local military leaders and facilitating traditional ‘blood compensation’ payments.⁶¹ Clan elders in Gaalkacyo are organised under a distinct structure, representing the two dominant clans in the north and south of the city, and containing 31 members from each side of the city. They are fundamental to reconciliation efforts, with the PDF supporting them through community mobilisation and advocacy and the women’s committee, religious leaders and other community members.⁶²

Additionally, our study highlights the critical role of religious leaders in Gaalkacyo, who view reconciliation as a primary duty and responsibility,⁶³ and whose status allows them to rise above the clan affiliations that define the lines of conflict. A committee of religious leaders deals with cases relating to Puntland and Galmudug states, including land disputes, and coordinates between the courts of the two states to ensure satisfactory resolutions for both sides.⁶⁴ Because fighting is bad for business, businesspeople have made financial contributions to the PDF and other peace efforts, covering reconciliation expenses,⁶⁵ and invested in infrastructure and security to promote stability.⁶⁶ Media have been used by clan elders in Gaalkacyo to perpetuate conflict, while the PDF intervened to bar hate speech and disseminate messages of peace.⁶⁷

This overview of the role of state and civil society in formal and non-formal measures in these two countries demonstrates the breadth of the types of actor already playing an important role in transitional justice, which is not always acknowledged. Our study shows a similar variety when it comes to multilateral actors.

Role of multilateral actors

In many contexts in Africa multilateral actors – international and regional organisations like the United Nations and the African Union, state donor bodies, private foundations and international NGOs – are crucial drivers of transitional justice, both in terms of funding interventions and sharing global norms and practice. While not a comprehensive list, the interventions discussed here give an indication of the role different multilateral actors have played in The Gambia and Somalia and their significant potential to enhance popular participation.

In The Gambia, multilateral actors have provided financial, technical and logistical support to the TRRC and the broader process. The United Nations, particularly the United Nations Development Programme and the Office of the High Commissioner for Human Rights, provided funding, technical assistance and training to the TRRC,

57 Interview, MOIFAR official, online, 9 December 2024.

58 Interview, peace activist, Dhuusamareeb, 11 January 2024.

59 Interview, youth-minority, Dhuusamareeb, 11 January 2024.

60 Interview, joint forces official, Gaalkacyo, 20 January 2024.

61 Interview, clan elder, South Gaalkacyo, 20 January 2024.

62 FGD, clan elders, South Gaalkacyo, 17 January 2024.

63 FGD, religious leaders, South Gaalkacyo, 19 January 2024.

64 Interview, joint forces official, Gaalkacyo, 20 January 2024.

65 Interview, businesspeople, North Gaalkacyo, 23 January 2024.

66 FGD, businesspeople, South Gaalkacyo, 16 January 2024.

67 Interview, media representative, North Gaalkacyo, 18 January 2024.

helping to build its investigative capacity and formulate recommendations, including regarding reparations.⁶⁸ The European Union provided funding for the establishment and operations of the TRRC, as well as for victim/survivor support and reparations.⁶⁹ Justice Rapid Response deployed experts to support the TRRC's investigations, while the World Bank has collaborated with key stakeholders on the implementation of the TRRC recommendations.⁷⁰

Regional multilateral actors have also played a key role. The Economic Community of West African States intervened militarily following former Jammeh's decision to reject the December 2016 election results,⁷¹ and later provided political support, facilitated dialogues and undertook mediation efforts to involve stakeholders in the transitional justice process.⁷² The African Union provided political backing and technical assistance, encouraging the government to use the AUTJP as a framework to guide the process.⁷³

International and regional NGOs were also active around the TRRC. The International Center for Transitional Justice, for example, provided substantial technical assistance and capacity-building support to the TRRC, including training, assistance in developing investigation methodologies, and guidance on best practices for victim/survivor participation and reparations, as well as supporting independent consultations.⁷⁴ The Global Initiative for Justice, Truth and Reconciliation, a consortium of international and African NGOs,⁷⁵ supported both the TRRC's capacity to provide MHPSS to participants and personnel and a group of young CSOs, including WILL, that ultimately became important actors in the process.⁷⁶

International and regional multilateral actors have focused primarily on state actors and formal transitional justice measures in The Gambia. Respondents were more aware of the role of international institutions than that of the African Union, which worked mostly 'behind the scenes' with the state and TRRC personnel and did not publicly share its work as much as its international counterparts.⁷⁷ Respondents also noted that international and regional NGOs played a far greater role in supporting non-formal measures than other multilateral actors, providing financial support and technical assistance in the form of workshops and capacity building.⁷⁸

In Somalia, international and regional multilateral institutions have supported the government in the NRF's development and work. The United Nations Mission in Somalia and the United Nations Development Programme have provided financial assistance, technical expertise and capacity-building training. The embassies of countries including Sweden and the United Kingdom have supported MOIFAR in the NRF and its reconciliation processes.⁷⁹

68 United Nations Development Programme (2021) UNDP's Support to The Gambia's TRRC, <https://www.undp.org/sites/g/files/zskgke326/files/2022-09/Finalfinal.pdf>; Office of the High Commissioner for Human Rights (n.d.) Gambia, <https://www.ohchr.org/en/countries/gambia>

69 The Standard (2023) EU to Give €9m for Transitional Justice Process in The Gambia, <https://standard.gm/eu-to-give-%D1%949m-for-transitional-justice-process-in-the-gambia>

70 World Bank (2022) Country Partnership Framework for the Republic of The Gambia, <http://documents1.worldbank.org/curated/en/450591652556583165/text/Gambia-Country-Partnership-Framework-for-the-Period-FY22-26.txt>

71 Chikodiri Nwangwu (2022) Lessons from the ECOWAS Intervention in The Gambia, Pan African Review, <https://panafricanreview.com/lessons-from-the-ecowas-intervention-in-the-gambia>

72 Christoff Hartmann (2017) ECOWAS and the Restoration of Democracy in The Gambia, Africa Spectrum, Volume 52: 85–99.

73 ISS Africa (2020) Hard Times Ahead for the African Union in The Gambia, <https://issafrica.org/iss-today/hard-times-ahead-for-the-african-union-in-the-gambia>

74 International Center for Transitional Justice (2017) The Gambia, <https://www.ictj.org/where-we-work/gambia>

75 CSVr is a founding member of the Global Initiative for Justice, Truth and Reconciliation.

76 Global Initiative for Justice, Truth and Reconciliation (2023) Civil Society and Transitional Justice in The Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia>

77 Interview, victim/survivor of state violence, Brusubi, 17 January 2024; interview, victim/survivor of state violence, Sintet, 23 January 2024.

78 Interview, victim/survivor of state violence, Sintet, 23 January 2024.

79 Interview, peace activist, Dhuusamareeb, 11 January 2024.

Finn Church Aid supported MOIFAR to implement the NRF across federal member states, providing training for MOIFAR staff, conducting conflict mapping and giving backing for the reconciliation initiatives. The Nordic International Support Foundation covered the salary of the supporting advisor to MOIFAR, assisted with the NRF's outreach programme, and contributed to communication strategies, training of trainers and civic education initiatives.⁸⁰ The role of the African Union, meanwhile, has been to provide political support and seek international assistance for Somali transitional justice, although respondents perceive the institution's support for transitional justice in the country as having decreased over time.⁸¹

The PDF is primarily a locally driven non-formal initiative, with far less multilateral support than the NRF. Nonetheless, the United Nations Mission in Somalia has financed peacebuilding activities,⁸² while the United Nations Development Programme provides capacity-building trainings and technical assistance through CSOs.⁸³ The African Union has provided capacity building on peacebuilding and leadership to youth, including PDF members, through the African Union Transition Mission in Somalia.⁸⁴ Meanwhile, Interpeace, an international NGO, has collaborated with local partners to facilitate PDF activities and train youth,⁸⁵ particularly in meditation and negotiation, with a focus on MHPSS as part of transitional justice.⁸⁶

Despite these contributions to formal and non-formal measures in Somalia, many respondents stated that multilateral actors have made promises that have not been kept. They also noted that multilateral actors often focus on aid and humanitarian assistance, rather than longer-term support for reconciliation.⁸⁷ While respondents generally welcome multilateral assistance for Somalia's transitional justice process, as well as strengthening local governance structures and ensuring proper allocation of resources, they shared concerns about initiatives such as the PDF losing local legitimacy if funded externally.⁸⁸ Respondent insights such as these underpin the lessons learnt and the guidance provided in the next section.

Lessons for enabling popular participation in transitional justice

Our research in The Gambia and Somalia and with multilateral actors working in transitional justice in Africa has informed a set of lessons for enhancing participation in such processes. While the precise needs will always be highly context dependent, here we outline principles and approaches that can constitute general strategies in transitional states, as well as specific recommendations of relevance to both formal and non-formal processes.

Mainstreaming participation

Mainstreaming participation means making it central to transitional justice from beginning to end, including across multiple measures. It entails multilateral, state and civil society actors working with and supporting victims/survivors and communities both directly and indirectly affected by past abuses to take active part in the planning, design, implementation and follow-up of transitional justice measures.

80 Interview, Nordic International Support Foundation, Mogadishu, 3 March 2024.

81 Interview, MOIFAR official, online, 9 December 2023.

82 Interview, PDF member, Gaalkacyo, 18 January 2024.

83 Interview, women, North Gaalkacyo, 5 February 2024.

84 Interview, PDF member, Gaalkacyo, 15 January 2024.

85 MIISAAN (social cohesion and legitimate governance through transitional justice), a four-year programme (2021–2025) funded by the Netherlands.

86 Interview, Interpeace, online, 3 March 2024.

87 Interview, women, South Gaalkacyo, 23 January 2024.

88 FGD, religious leaders, South Gaalkacyo, 19 January 2024.

In The Gambia, the TRRC relied on a consultative approach, reflecting relatively shallow participation. It conducted different forms of outreach after the commission was already established to encourage participation in awareness-raising activities and statement and testimony giving.⁸⁹ Participation was a component of, if not an add-on to, the formal measure, but it was not mainstreamed. The TRRC did become more creative with participation over time, partnering with civil society, particularly WILL and its Listening Circles, to access more participants and sources of information. Nonetheless, as one respondent noted, “active participation means the government trying their best to involve the citizens of The Gambia in every step of the process ... [to] ask for and take their advice and perspectives into consideration and, finally, the government keeping up with and constantly updating victims on everything that they are doing.”⁹⁰

Informed by the commission’s experiences, the government’s TRRC recommendations implementation plan repeatedly references participation as a priority. As noted above, it emphasises “meaningful participation” at “all stages of implementation,” and states that the implementation process “must be participatory, transparent, and accountable to all stakeholders, including victims, civil society organizations, and the broader public,” and “accessible and user-friendly, to encourage public participation and feedback.”⁹¹ The Steering Committee leading the implementation process already includes representatives of victims/survivors, meaning they are participating in designing post-TRRC measures. This suggests an effort at mainstreaming, which will require continual attention and concrete actions across several measures in the transitional justice process.

In Somalia, the NRF contains elements of a mainstreaming approach. With the concept emerging from a national consultation conference in 2017, the NRF began with a broad-based consultative process with 1,000 participants.⁹² It aims for representativeness and inclusion in its processes and incorporates a range of decentralised processes that have long unfolded at the community level, led by religious and traditional leaders. While it faces numerous challenges, respondents noted that the NRF’s activities have contributed to the establishment of a national framework that is based on citizens’ views and contributions.⁹³ This formal measure provides insights on which to build in mainstreaming participation in ongoing and future transitional justice efforts.

Regarding non-formal measures, the Listening Circles and the PDF both include people who would have been excluded from formal measures. They rely on participant input in designing activities and adjust activities based on feedback and evolving circumstances. While the two measures have faced challenges in being limited to certain geographic areas and not working at scale – and in the case of the PDF dealing with issues of discrimination based on gender, age, background and other markers – these non-formal measures have prioritised participation from the outset.

Recommendations:

- Multilateral, state and civil society actors should seek to ensure that victims/survivors, affected communities and the broader population are involved well before the design stage, in both formal and non-formal measures.

89 Truth, Reconciliation and Reparations Commission (2021) Final Report, Volume 1: Compendium, Part A, <https://www.moj.gm/download-file/35d5d1df-6410-11ec-8f4f-025103a708b7>

90 Interview, youth advocate against SGBV, Brusubi, 9 January 2024.

91 Ministry of Justice (2023) Implementation Plan to the Government’s White Paper on the Recommendations of the Truth Reconciliation and Reparations Commission, 27–28, <https://moj.gov.gm/wp-content/uploads/2024/12/IMPLEMENTATION-PLAN-TO-THE-GOVERNMENT-S-WHITE-PAPER-ON-THE-RECOMMENDATIONS-OF-THE-TRRC.pdf>

92 The NRF document is not publicly available, but some details can be found at <https://moifar.gov.so/en/2024/04/30/the-launch-of-the-national-reconciliation-framework>

93 e.g. Interview, victim/survivor, Dhuusamareeb, 9 January 2024.

- Any peace agreement or negotiated political transition should include a commitment to popular participation in subsequent transitional justice efforts and, ideally, detailed provisions on how to achieve it.
- A broad range of participants should actively contribute to the design of the transitional justice process through broad-based and widespread pre-consultations, including in remote and marginalised areas, before any specific measure is finalised.
- Participatory budgeting of transitional justice measures helps identify the number of participants who are likely to participate and effectively target financing for their involvement.
- An informed consent framework helps manage expectations and clarifies that participation is always voluntary and that any benefits or services emerging from the measure are not contingent on participation.
- Participants should be nominated for and appointed to leadership and operational structures of transitional justice measures as they are created, and in the long term.
- While measures are in progress, a participatory monitoring approach should be used, so that those affected directly provide their perceptions of the success or otherwise of each measure, and it can be adapted to meet their needs.
- Regular inreach and outreach activities with participants and the broader population, including via inclusive dialogues, can promote the inclusion and input of marginalised groups and allow for open, transparent discussions of the measures and their outcomes.
- If a measure is short term, as formal measures such as truth commissions tend to be, victims/survivors and others directly and indirectly affected should lead and contribute to an evaluation and to subsequent implementation measures, for example relating to reparations and institutional reforms. Non-formal measures are often longer term, maintained by the decentralisation and localisation that tend to characterise them.

Localising and decentralising transitional justice

Mainstreaming participation demands the localisation and decentralisation of transitional justice. Localisation means making sure transitional justice measures resonate with local needs and conceptions of justice, as people will generally not engage with a process they do not understand or that appears to offer them and their community no benefit. Decentralisation means enabling access, by identifying obstacles and developing local solutions to them in order to give entry to a broader and more representative range of people. This is especially important for marginalised groups, which may be kept from participating, for example, by gendered care expectations, lack of disabled access, mental health challenges or geographic location, as well as social norms based on religion, ethnicity, gender, age, class and other markers.

This conceptualisation represents a contribution to the above-mentioned literature around participation in transitional justice, which has been both critical of current practice and highly theoretical, but has lacked concrete contributions to a more participatory practice.

This study shows that processes that are already occurring on the ground tend to be localised and decentralised. By identifying and building on existing practices that are trusted by local populations, instead of importing or creating them from scratch, transitional justice can benefit from the knowledge, networks, resources and avenues of participation they provide.

We found that these practices are largely being implemented by civil society actors. As noted above, the term 'civil society' is broad, encompassing not only the usual suspects, namely human rights NGOs, but also traditional and religious authorities and groups, community-based organisations, professional associations, women's groups, student

formations, victim/survivor groups, businesspeople, collectives of ordinary citizens, and others, depending on the country. In addition, we found that many existing practices can be seen as non-formal transitional justice measures.

In the case studies of The Gambia and Somalia, both the limits of measures where participation is not localised and decentralised, and the potential where it is, are visible. The TRRC was a process built on a global model, rather than elicited from the needs, capacities and resources of The Gambia. As a result, what it promised was not localised and thus not always well matched to the needs of victims/survivors and affected communities or to the capacity of the state to deliver. In addition, access challenges arose because the TRRC was a centralised process, occurring mostly in urban centres far from many affected communities.⁹⁴

The NRF is similarly top-down, yet it seeks to encompass both the agendas of ordinary Somalis and the measures they have traditionally used to address acts of violence and advance reconciliation. Incorporating the traditional dispute resolution and clan reconciliation approaches offered by those who lead clans and by religious leaders, the NRF went further in localising and decentralising transitional justice than the TRRC. It has leveraged existing systems that are known and accessible at the community level.⁹⁵

Of the non-formal measures studied, the PDF is localised and decentralised by building on practices already being used on the ground and seeking to be broad-based and inclusive, bringing the perspectives of diverse stakeholders such as elders, women, students, religious groups and businesspeople into dialogue. It also shows the potential drawbacks of depending on customary approaches that may perpetuate traditional and patriarchal hierarchies and discrimination. WILL's Listening Circles, meanwhile, began in affected communities and grew from the needs that women there articulated. They brought women together in safe spaces to share experiences, showing that the measure itself addressed a real need while providing a platform to both share testimony with the TRRC and advocate for other needs to be addressed. They also removed obstacles to participation by, for example, paying participants' travel allowances, providing refreshments and organising activities around caregiving schedules.

The agenda that emerged from the Listening Circles was broader than that which drove the formal process, including advocacy for an end to female genital mutilation and demands beyond dealing with civil-political violations, for empowerment and transformation, socially, economically and politically.⁹⁶ This demonstrates how participation can deliver a process that is more relevant and accessible to victims/survivors and their communities, resonating with their everyday needs arising from histories of violations and oriented to building a better future as well as addressing a violent past.

Recommendations:

- Multilateral, state and civil society actors should start any process of conceptualising formal or non-formal measures by mapping (or supporting the mapping of) concepts and terms used for accountability, truth, reparation, reform, reconciliation and other transitional justice aims, on which to build contextualised measures.
- These actors should map existing processes and practices that have local buy-in and trust and provide networks and resources on which to build for a more participatory transitional justice, being sure to include a wide range of locally networked civil society actors.

94 Fatou Baldeh and Ya Lena B. Houma (2025) Transitional Justice in The Gambia: Enabling Popular Participation, Centre for the Study of Violence and Reconciliation and Women in Leadership and Liberation, <https://www.csvr.org.za/transitional-justice-in-the-gambia-enabling-popular-participation>

95 Farhia Mohamud (2024) Enabling Popular Participation in Transitional Justice in Somalia, Centre for the Study of Violence and Reconciliation and Somali Public Agenda, <https://www.csvr.org.za/enabling-popular-participation-in-transitional-justice-in-somalia>

96 Global Initiative for Justice, Truth and Reconciliation (2023) Civil Society and Transitional Justice in The Gambia, <https://www.csvr.org.za/civil-society-and-transitional-justice-in-the-gambia>

- Based on the mapping process and to the extent possible, these actors should contribute to the amplification of existing practices and the development of new localised measures, while working with a wide range of stakeholders to adapt local practices to ensure they are human-rights compliant.
- Broad-based representation and participation of victims/survivors and others directly and indirectly affected by past abuses can be ensured by identifying and developing decentralised solutions to barriers to participation. These may include addressing geographical limitations (e.g., providing transport funds or specialised modes of transportation); acknowledging gendered constraints (e.g., adapting hours to childcare needs and other care expectations); ensuring support for persons with disabilities (e.g., via wheelchair accessible venues, sign language interpretation, etc.); or adapting to those who speak minority languages and those who are illiterate (e.g., by providing interpretation).
- Participation can be further decentralised by implementing measures at the village, district, regional and national levels, instead of primarily in urban centres, and developing mechanisms for connecting activities across levels in order to scale up impact.
- Participation should be ‘rolling,’ to address the limitations of a ‘one-off’ process that cannot respond to changing conditions and needs, and come with access to MHPSS, legal advice and technical information about the transitional justice process, among other services.
- Support for the decentralisation of these measures can contribute to the eventual establishment of an MHPSS services network across the given country.
- Many decentralisation and localisation efforts would be facilitated by widespread recognition of the value of non-formal processes and the civil society actors who tend to implement them.

Recognising non-formal measures

Acknowledgement of non-formal measures as a form of transitional justice and the identification of synergies and establishment of institutional links between formal and non-formal measures are key to mainstreaming participation.

Non-formal measures may take numerous forms, as can be seen in The Gambia and Somalia.⁹⁷ These include: measures based on traditional, customary or community-based mechanisms, as with the inter-clan dispute resolution approaches in Somalia; ongoing community-based processes, such as community dialogues that bring people together to engage around sensitive issues in ways that forge collective understandings and can be led by victims/survivors; and civil-society led initiatives, such as WILL’s, which can benefit both victims/survivors and broader communities. Non-formal transitional justice measures have advantages over formal ones in terms of facilitating participation, as they are typically led by people, such as respected members of communities or victims/survivors themselves, with long relationships of trust with communities.

While they have their own shortcomings, challenges and exclusionary practices, these processes usually include local communities as far more active participants in transitional justice than formal measures, promoting greater legitimacy and local ownership. As noted above, they are typically already localised and decentralised, meaning sub-national, often engaging only with a particular community, which makes them more culturally salient, more cost-effective, closer to the victims/survivors of mass crimes and, therefore, more reflective of and responsive to their needs. Participation in non-formal mechanisms generally involves ‘co-generative dialogue,’ where local

97 Joanna Quinn (2005) *The Role of Informal Mechanisms in Transitional Justice*, paper presented at the Canadian Political Science Association Annual Meeting; Dustin Sharp (2017) *Transitional Justice and “Local” Justice*, in *Research Handbook on Transitional Justice*, eds. Cheryl Lawther and Luke Moffett (pp. 142–158), Edward Elgar.

people not only advise on the shape and direction of the process but are collaboratively involved in decision making around it.

Non-formal measures also often have a different focus from formal measures, with an emphasis on repairing harm, restoring relationships and rebuilding social cohesion rather than punitive measures. Because they unfold at a community level, they are adaptable to the specific cultural, social and political context and can address needs in a holistic way, both encouraging and enhancing participation. As the relationship between the TRRC and the Listening Circles demonstrates, these distinctive characteristics mean that non-formal mechanisms can feed into and strengthen formal measures, if the connection is nurtured without undermining or coopting non-formal measures.

Recommendations:

- Multilateral, state and civil society actors, in their various roles, can enable participatory and contextually informed and responsive transitional justice by recognising and legitimising non-formal measures. This is most readily done by identifying and supporting the many types of civil society that usually underpin such measures.
- Starting with victims/survivors, multilateral, state and civil society actors should catalyse or support the creation of victims/survivors' groups and organisations at the local and national levels by, for example, providing meeting spaces, building technical and administrative capacity, and giving direct financial assistance, including initial core costs. This support entails acquiring an informed understanding of victims/survivors' needs, priorities and demands, for example by funding a victim/survivor-led or participatory research study, organising meetings and discussions with victims/survivors and their representatives, and integrating victim/survivor perspectives into capacity-building activities.
- Multilateral and state actors should take a long-term partnership approach with all types of civil society, enhancing the capacity of local partners to set their own agendas and building trust, without imposing global 'best practices.' They should also encourage coordination and networking among different civil society actors to help create the conditions for trust building and collaboration and to enhance capacity.
- If in a position to support local partners financially, multilateral and state actors may consider participatory grant making, combined with documenting and disseminating the learnings with the aim of building an ecosystem of grant makers willing to provide flexible and long-term support for the work of local actors. They might also use narrative or qualitative evaluation and data collection methods, such as outcome harvesting, rather than traditional quantitative indicator approaches.
- Local civil society partners should be selected for effectively representing those affected by violations in the context of the broader population, understanding the expertise and resources that communities already have, welcoming technical assistance and other capacity building, and being committed to a human rights-based and participatory approach.

Modelling participatory governance

Participation is rooted in the understanding, mentioned above, that "participation enables the advancement of all human rights."⁹⁸ More than this, participation in public affairs is seen as a human right itself. As such, participation in transitional justice – at a time when a state is in transition from a violent, potentially authoritarian past to what is hoped will be a peaceful, democratic future – can model participatory governance more broadly.

98 Office of the High Commissioner for Human Rights (2018) Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs, https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf

Participation in transitional justice processes demands that victims/survivors and communities impacted by past violations trust the authorities sufficiently to engage, including in contexts where those same authorities were perpetrators. More than this, participatory transitional justice, including in decentralised and localised forms, instantiates precisely the relationships of obligation and responsibility, framed by the rule of law, between states and citizens that good governance requires.⁹⁹

Co-designed and adaptable transitional justice measures, as undertaken in WILL's Listening Circles, are natural precursors of broader processes of popular engagement with governance, such as participatory budgeting.

Recommendations:

- Local government can use pre-consultations and regular dialogues to deliver messages to central authorities about needs and numbers of affected persons in their communities and to advocate for support.
- Non-formal processes, particularly where they involve customary governance structures, should be seen as a test bed for the innovative integration of traditional governance into structures of the state, in ways that can build the trust of communities in that state.
- Where participation in formal transitional justice has been seen to be effective, civil society actors can frame this as modelling the benefits of active citizenship more broadly and advocate for greater participatory governance in all sectors, using the transitional justice process as an example from which lessons can be learnt.

Conclusions

This study has sought to understand, through empirical research in The Gambia and Somalia and with multilateral actors supporting transitional justice in Africa, how the quality and impact of the participation of victims/survivors, affected communities and the wider population in transitional justice processes can be enhanced. Findings of the study confirm both that popular participation should be at the centre of every transitional justice measure and process and that the formal, state-led practices that constitute current global practice typically see only limited participation. The data show, moreover, that in The Gambia and Somalia – and likely in all transitional contexts – measures and practices are unfolding that show how a deeper, more organic participation is possible.

The study frames this approach as *mainstreaming* participation, with participation at the core of all aspects of transitional justice measures, and demanding that any process be driven by and designed around participation rather than it being seen as an add on. Such mainstreaming is conceptualised as having two significant elements: the *decentralisation* and the *localisation* of transitional justice, representing an empirically driven extension of existing literature around participation in transitional justice. Decentralisation means enabling access, by identifying obstacles and developing local solutions to them in order to give entry to a broader and more representative range of people. Localisation means ensuring transitional justice measures resonate with local needs and conceptions of justice, as participation is enhanced where people perceive a process will benefit them.

Routes to a participation that transcends a tokenistic engagement, to ensure a meaningful involvement with transitional justice, can emerge from several approaches. In both formal and non-formal processes, participation is most effectively catalysed, implemented and sustained by civil society, understood as including human rights NGOs as well as community-based organisations, religious and traditional authorities and groups, professional associations, women's groups, student formations, victim/survivor groups, businesspeople, collectives of ordinary citizens, and others, depending on the context.

99 e.g. Dian Dajer Barguil (2017) Charting Uncharted Waters: Participatory Budgeting as a Novel Transitional Justice Guarantee of Non-Recurrence of the Conflict in Colombia? GIGAPP Estudios Working Papers, Volume 4: 197–230.

One approach to mainstreaming participation is to seek to build upon existing processes, using longstanding traditions of local norms and institutions, as typified by religious or traditional leaders, and cultures of community-led dispute resolution. Such non-formal processes can constitute approaches to dealing with a violent past that are close to communities, both physically and epistemically. This shows the importance of civil society driving such a process, as well as of defining civil society broadly, to include all those who have legitimacy and influence in a community. Ideally, a formal process can engage with such traditional forms of healing, truth-telling and justice to incarnate a locally relevant, but state-sanctioned transitional justice process.

Civil society can also bridge the many gaps between a formal measure and the community level. Such actors can play a crucial role in providing support and solidarity to victims/survivors, and can enhance understandings of and access to formal measures. WILL's Listening Circles for women in rural Gambia show how a non-formal measure can offer crucial support to victims/survivors and help them both to understand a formal measure like the TRRC and to share their testimony with the truth commission. Similarly in Somalia, the PDF has mobilised a range of actors in the community to build relations between communities divided by conflict and advance peace.

While this study has focused on African contexts and the AUTJP as a foundation for good practice among multilateral, state and civil society actors, its conclusions concerning the mainstreaming of participation are likely to be more broadly relevant. Here, we outline mainstreaming the participation of victims/survivors, affected communities and others as the only effective route to ensuring that a transitional justice process enables popular agency and is victim- and survivor-centred. Mainstreamed participation represents a way for global transitional justice practice to become more relevant and more effective, with more sustainable outcomes. Additional empirical work, in other contexts, can continue to build an evidence base for both how participation enhances the effectiveness of transitional justice and how such meaningful participation can best be achieved.

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