

An “ABC” ...

of bridging the gap between local and national dealing with the past processes

When in mid-2011, the president of Burundi announced the establishment of a Truth Commission for early 2012, Burundians generally welcomed this step of the government. However, many people engaged in reintegration and reconciliation processes at the grassroots level voiced their fears : Will people who have talked pillages and atrocities out with their neighbours and who do mutually accepted reparations work on their level be forced to appear before the commission? Will they eventually have to appear before the tribunal – at that time still required by the Arusha accords of more than ten years ago – with the risk of being convicted to many years’ prison sentence -? Will those who have accepted their neighbours’ apologies and reparations be obliged to speak before the commission and the tribunal and thus re-open cases they consider as closed – and open wounds that had begun to close? Will possibilities for cohabitation to which people see no alternative thus be jeopardised?

Burundi is no exception. In recent years, the gap between local reconciliation processes and internationally supported policy responses to past crimes on the national level, mainly war crime tribunals and truth commissions, has widened – and raises questions of ownership and legitimacy, as well as relevance and impact of these policies on peacebuilding processes. The disconnectedness concerns two crucial aspects: the specific *needs* and the *capacities* of a country to not only deal with past violations but to (re)build a more just society. Different needs to address and correct injustice evolve from *structural causes* and the *nature* of a given conflict as well as its *consequences*. Existing capacities are closely linked to the conflict context and encompass the *political will* of a newly formed government, *institutional capacities* to develop and implement initiatives as well as *societal capacities*, i.e. the capacities of civil society groups to participate in national processes or bridge ethnic divides, cultural norms and values, and traditional reconciliation mechanisms.

If we want to bridge the gap between national and local dealing with the past processes by addressing the specific needs and capacities to correct injustice three steps must be taken:

Appreciate a variety of policy responses to injustice

Today, dealing with the past policies and institutional mechanisms must respond to various justice needs of war-torn societies in Africa and Asia, with a longstanding history of mass violence, socio-economic exclusion, authoritarian rule, weak state institutions and widespread

poverty. Acknowledging the needs arising from violations of economic, social and cultural (esc) rights, and being aware of the often deep 'ethnic' divide, the distrust in fellow citizens as well as state institutions, these policies can't, as they still do, remain limited to war crimes' prosecution or truth finding with a focus on disclosing one dimension of injustice, namely political rights violations. They need to incorporate – and prioritise – distributive and reparative justice needs. This might result in focusing the mandate of a truth commission on structural causes of violence, such as the unequal distribution of land and resources, in furthering stolen asset recovery mechanisms and prosecution of economic crimes, or in prioritising reparation politics. More importantly, though, it needs to result in taking more time to reflect upon and support different ways of trust building, reparation, memorialisation and healing beyond the national level.

Build on institutional and societal capacities for policy responses

Today, policy responses to injustice are not discussed and negotiated between different layers and actors of a society, but rather between the leadership of conflict parties and the international community. And it's the latter which provides financial and human resources to implement these responses. However, institutional and societal capacities often do not correspond with these responses, not to speak about the political will of national elites. Hence, again, much more time is needed to assess and truly build dealing with the past policies upon existing capacities. This might include strengthening different voices of civil society, especially women, victims' groups and former combatants to participate in national consultations, and supporting state institutions to facilitate such discussions on different levels. It might also include changing the sequence of measures, for example by prioritising health and educational system reforms, with a specific focus on addressing and correcting past injustices in these sectors.

Consider own experiences and capacities

Finally, bridging the gap between local and national dealing with the past processes can only succeed if international actors supporting these processes seriously invest in their own capacities. It starts with adopting a holistic understanding of dealing with the past policies, based on a reflection of the challenges, the taboos and the time needed to address past injustice in their *own countries*. Furthermore, short-term approaches and ad-hoc decisions to get engaged must be replaced by long-term policies and strategies, which should encompass mechanisms to facilitate a multi-sectoral approach and the building of in-house human capacities. These in-house capacities are crucial to support policies responding to the justice needs and the capacities of a society, to build trust, and to establish and maintain communication between various actors on different levels.

Further Reading

[Pathways to just and sustainable peace: How can international actors support Transitional Justice processes? Event Report](#)

FriEnt and PeaceLab2016 editorial team | September 2016

[Eine neue EU-Policy zur Unterstützung von Transitional Justice – wegweisend für eine deutsche Umsetzungsstrategie? Blogbeitrag](#)

Sylvia Servaes | FriEnt | April 2016

[Reparations, Land and Natural Resources. Workshop Report](#)

Caroline Kruckow, Carla Schraml, Sylvia Servaes | FriEnt | April 2014

[New Horizons: Linking Development Cooperation and Transitional Justice for Sustainable Peace. Conference Report](#)

Sylvia Servaes, Natascha Zupan | FriEnt | August 2010

[Engaging with Victims and Perpetrators in Transitional Justice and Peace Building Processes. Workshop Report](#)

Sylvia Servaes, Nicole Birtsch | FriEnt, KOFF/swisspeace | 2008

[Development and Legitimacy in Transitional Justice. Workshop Reports](#)

Susanne Reiff, Sylvia Servaes, Natascha Zupan | FriEnt | September 2007

[Transitional Justice & Dealing with the Past. FriEnt Guidance Paper](#)

Natascha Zupan, Sylvia Servaes | FriEnt | June 2007

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