



**THE STATE OF TRANSITIONAL JUSTICE IN
AFRICA:**

***“Silencing the Guns in the Context of COVID-19:
Progress, problems and prospects”***

4TH EDITION OF THE AFRICAN TJ FORUM

26 – 28 OCTOBER 2020

VIRTUAL TRANSMISSION



SILENCING THE GUNS:

Creating Conducive Conditions for Africa's Development

CONCEPT NOTE

1. Background

The Department of Political Affairs at the African Union Commission (AUC) and the Centre for the Study of Violence and Reconciliation (CSV) will host the fourth Edition of the African Transitional Justice Forum virtually on 26 to 28 October 2020. The Forum is an annual multi-stakeholder platform aimed at reviewing the state of Transitional Justice (TJ) in Africa. At the heart of this review is the identification of emerging issues that present new opportunities for transitional justice theory, practice and policy interventions. While this edition of the Forum is the fourth in a row, it is the second continental dialogue following the adoption of the African Union Transitional Justice (AUTJ) Policy in February 2019. The AUTJ Policy is a continental framework that provides guidance to African Union Member States on how to recover from protracted violent conflicts while in the process building peace, strengthening democratic governance and advancing socio-economic development. The fourth edition of the Forum will be convened two years after the adoption of the Study on Transitional Justice and Human and People's Rights in Africa by the African Commission on Human and People's Rights (TJ Study). Both the AUTJ Policy and the TJ Study represent the key instruments of the AU on transitional justice for guidance to AU Member States and Regional Economic Communities (RECs) on how to transition from war to peace and from authoritarianism to democracy avoiding relapse into conflict and instability.

The 2020 Forum will be convened within a context that presents opportunities and challenges for transitional justice in Africa. The African Union has declared 2020 as the year of *"Silencing the Guns: Creating Conducive Conditions for Africa's Development"*. This is significant especially given that silencing the guns is one of the flagship projects of Agenda 2063-The Africa We Want. During the 2013 Golden Jubilee of the Organisation of African Unity and African Union under the theme "Pan-Africanism and African Renaissance", African leaders adopted the 50th Anniversary Solemn Declaration in which they unequivocally reaffirmed "not to bequeath the burden of conflicts to the next generations of Africans"¹. The Forum will also take place in the midst of the COVID-19 pandemic that has seen many African countries invoking national emergency laws, enforcing stricter border controls and international travel bans in attempts to curb the spread of the virus. The COVID-19 pandemic has resulted in the halting of ongoing transitional justice processes, further delaying justice for victims and exposing added layers of vulnerability for victims brought about by inequality and crisis-related socio-economic challenges.

The fourth edition of the Forum will focus on the theme "Silencing the Guns in the Context of COVID-19: Progress, Problems and Prospects". It will unearth TJ processes within the context of the AU theme of silencing the guns and the COVID-19 pandemic that continues to ravage to African continent since the first infection case in Egypt on 14 February. So far 54 AU Member States have been affected by the pandemic with Lesotho as the latest with its first case recorded in May 2020.

2. Rationale

The rationale for the focus of this fourth edition of the forum is two-pronged. Firstly, the AU 2020 theme of the year comes against the backdrop of violent extremism and insurgency in Africa, especially in northeast Nigeria, the Lake Chad Basin, the Horn of Africa, the Maghreb

¹ In May 2013 during the 50th Anniversary celebration of the Organization of African Unity/ African Union (OAU/AU), the African leaders made a Solemn Declaration and pledged not to bequeath the burden of wars to the next generation of Africans and undertook to end all wars in Africa by the year 2020

region, the Sahel Belt and northern Mozambique. The theme, *“Silencing the Guns: Creating Conducive Conditions for Africa’s Development”*, is also within a context where transitions in South Sudan and Sudan and transitional justice process in The Gambia are currently underway in the midst of the COVID-19 pandemic.

This brings us to the second rationale, namely that the COVID-19 pandemic has significant implications for transitional justice in Africa. The prevailing context brings to the fore pertinent policy, practice and academic inquiries into the flexibility of transitional justice to address the crisis related challenges to transitional justice. Is transitional justice as articulated in the AUTJ policy and TJ study flexible enough to address the emerging vulnerabilities of African societies, the evolving socio-economic challenges and needs of conflict and oppression-related victims as well as emergent COVID-19 crisis victims whose vulnerability stems from the governance and democratic deficits and the unresolved issues of the past?

3. Thematic Focus

The fourth edition of the Forum will focus on two broad areas namely (a) TJ as a tool for silencing the guns and (b) TJ in the context of the COVID-19 pandemic.

Specific topics are proposed as follows:

i. TJ as a tool for silencing the guns:

- Assessing the AUTJP’s role and contribution to silencing the guns and creating conducive conditions for Africa’s development
- Transitional Justice in Crisis Situations: Addressing violent extremism, going beyond a militarised approach to addressing insurgency in Africa

ii. TJ in the context of the COVID-19 pandemic:

- Prioritising Victims’ Experiences of COVID-19 and their systemic vulnerabilities through TJ: Challenges and Opportunities for ongoing transitions and transitional justice processes in Africa
- The future of transitional justice in post COVID-19 in Africa: Opportunities, Challenges and Strategies for African-led and funded transitional justice processes

4. Objectives

The fourth edition of the Continental TJ Forum aims to achieve the following three objectives:

- i To review the extent to which TJ processes have (or have not) contributed to the AU agenda of silencing the guns in Africa;
- ii To evaluate TJ processes in Africa in the context of the COVID-19 pandemic and explore possible scenarios in the post-COVID-19 era; and;
- iii To generate concrete and practical ideas on how to implement both the AUTJ policy and the recommendations of the TJ study with a view to support ongoing transitional justice processes in AU Member States.

5. Expected Outputs

The Forum will have the following outputs:

- a. Reflective report, and;
- b. Database of transitional justice experts, researchers and practitioners as a resource for implementation of transitional justice processes by African member states at national level.

6. Meeting Methodology

In order to facilitate reflective learning and discussion on transitional justice, the meeting will consist of panel presentations and high-level exchange and reflection sessions by transitional justice practitioners, experts and policy makers on emerging and ongoing continental issues.

All sessions will be hosted on virtual platforms and participants will be invited to register to secure their participation and attendance. The working languages of the African Forum on Transitional Justice will be Arabic, English, Portuguese and French. Simultaneous interpretation will be provided.

7. Participants

The Forum will bring together scholars, researchers, practitioners, policy makers, representatives of civil society organizations and other interested participants working on transitional justice issues in Africa.

8. Contact Details

For further information about the Continental Forum on Transitional Justice, the following personnel can be contacted:

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