

Lawyering for Change 2022 conference

SUMMARY

Coalitions as a catalyst for change for transitional justice

Workshop - Wednesday October 12th 3.40 PM - 5 PM

Speakers:

- **Khayem Chemli** – Advocacy officer, Avocats Sans Frontières (Tunisia)
- **Thèrèse Kulungu** – Lawyer and coordinator of the Transitional justice working group (Democratic Republic of the Congo)
- **Ram Bandhari** – Cofounder of the International network of victims and survivors of serious human rights abuses (Nepal)
- **Elisabeth Baumgartner** – Expert with the EU Facility on Justice in Conflict and Transition IDEA (Belgium)

Moderation by **Valérie Arnould** – Legal & Policy Advisor Transitional Justice, Avocats Sans Frontières (Brussels)

Civil society has a central role to play in transitional justice, ranging from engaging in documentation, mobilization and advocacy, monitoring the implementation of transitional justice processes and enhancing the voice of victims to driving community-led transitional justice initiatives. The creation of national or international civil society coalitions has become popular as a means to bolster the voice of civil society actors in the design and implementation of transitional justice processes. While there are clear advantages to such coalition-building, there are also significant challenges which may affect their effectiveness and reach. In this workshop, civil society actors from different countries (Tunisia, Nepal and DRC) shared their experiences and key lessons learned from such coalition-building.

1. Ensuring victim-ownership

While the need for transitional justice to be victim-centered is widely propounded, this is not always reflected in the practice which often remains too top-down. This also applies to coalition-building efforts. Victims are often the least powerful members of civil society coalitions and their effective participation therefore is often limited. Such coalitions may be dominated by powerful civil society organisations – usually, organisations that are based in urban areas and already have experience of managing donor-funded projects – which end up controlling the transitional justice agenda and may instrumentalise victims to serve their own institutional interests.

But participation in such transitional justice coalitions can also be empowering to victims by enabling them to develop political agency, claiming a space as experiential experts and helping to construct a victim identity. In turn, victim participation (and not just representation) in civil society coalitions will allow for the development of transitional justice demands which are truly reflective of victims' justice needs.

It is however also important to remember that transitional justice concerns the whole of society and not only the direct victims of Human Rights abuses. Thus there is a need for broader civil society voices to have a seat around the table in coalitions.

2. Role for external actors, including donors and international NGOs, in civil society coalition-building

External pressures can be important in driving forward transitional justice processes and amplify the voices of local civil society actors. Coalition-building with international NGOs can increase the leverage of local civil society actors as well as help mobilise resources, build collective and international solidarity, and promote knowledge sharing. But one always need to be aware of the inequalities of power which structure such national-international coalitions. For instance, national civil society organisations tend to be the ones who take all the risks and carry the large burden of project implementation while the international organisation claims ownership and takes credit for the outcomes of the project. The agendas and interests of international NGOs can also come to dominate the transitional justice agenda, thereby reducing the scope for local innovation and initiative.

From a donor perspective civil society coalitions are useful because it gives them a single access point. However, they are also wary of the genuine representativeness of these coalitions which can make them reluctant to support coalition-building efforts. Moreover, donor support for civil society coalitions can pose a legitimacy challenge for the latter, especially in contexts where domestic political actors are hostile to transitional justice, and result in donor agendas and national interests dominating in the setting of transitional justice priorities.

Moreover, transitional justice is a long term process, which can span several years or decades, while most donor funding is short term. Donors funding is therefore not always able to provide a sustainable support to civil society coalitions. Even more so because donor interest in transitional justice may fluctuate in function of (geo)political factors and dissolve once a specific transitional justice mechanism has closed down. Also, the creation of a civil society coalition is not something that can be done according to a logframe, it is not possible to plan it, which makes it difficult to fit it within donor requirements.

3. Common challenges to civil society coalition-building

During the workshop session, a number of common challenges have been identified:

- Many local organisations suffer from a lack of resources and capacities as well as weak financial autonomy which hampers their ability not only to work on transitional justice but also to sustain their engagement within the coalition over the longer term.
- It is important to define the objective(s) of the coalition and to identify shared values. Where possible, it is also important to define how the coalition will operate.
- Lack of engagement from national authorities on transitional justice and sometimes outright hostility can limit the scope of action for civil society actors. In such contexts, engagement with local authorities may sometimes be more fruitful than with the central government.
- Context of ongoing violence or repression creates a challenging environment for civil society organisations.
- Fragmentation of coalition members due to diverging interests or priorities, or because of divergences in political ideologies between civil society organisations.