

Transitional Justice through the Lens of Coexistence:

Reflections on a Partnership Across Fields

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Abstract¹

Over the past two years, Coexistence International, the Ghana Center for Democratic Development, and the Transitional Justice Working Group in Liberia have worked together to understand and promote the concept of a coexistence lens and to consider its application in the context of the ongoing transitional justice process in Liberia. Using a coexistence lens means that special consideration is given to intergroup and intercommunal relations when designing, enacting, and following-up transitional justice processes. Built on the belief that transitional justice processes can be strengthened over the long-term by taking intergroup relations into account, the collaboration has resulted in a series of specific recommendations for coexistence sensitive approaches to transitional justice processes in Liberia, West Africa, and throughout the world.

Key Words

Coexistence, transitional justice, West Africa, Liberia, collaborations

Introduction

¹ The author wishes to acknowledge the critical input of the following individuals and institutions to the work described in this article: Wahab Musah and Franklin Oduro, Ghana Center for Democratic Development; Alfred Quayjandii and Kanio Gbala, the Transitional Justice Working Group in Liberia; Cynthia Cohen and Kristin Williams, Coexistence International at Brandeis University. This article has also benefited from the contributions of many of these colleagues.

Over the last two years, Coexistence International (CI)—a small, university-based program in the United States that seeks to strengthen relationships across differences—the Ghana Center for Democratic Development (CDD Ghana), a civil society organization focused on good governance; the Transitional Justice Working Group in Liberia (TJWG), a network of civil society and community based organizations engaged in transitional justice advocacy; and other partners from the field of transitional justice in West Africa have collaborated to strengthen the prism of coexistence and intergroup relations in transitional justice practice and policy. The collaboration has created and strengthened relationships between practitioners in the fields of coexistence and transitional justice and shown how a coexistence lens can be applied to transitional justice processes—revealing possibilities for further cross-disciplinary learning between the two fields.

The collaboration began through a one-time-only request for proposals that CI circulated for collaborative projects which sought to strengthen the complementary aspects between distinct fields of work. CDD Ghana submitted a well-developed and argued proposal to facilitate partnerships and learning between the fields of transitional justice and coexistence. While the collaboration initially focused on the West Africa sub-region in general, early activities and fact-finding missions by CDD Ghana revealed that the ongoing transitional justice process in Liberia could benefit from the capacity building and networking elements of the CDD Ghana-CI collaboration. In this way, the

collaboration began to focus on Liberia, while at the same time encouraging learning and experience sharing across countries of the sub-region. Similarly, the partnership formed between CDD Ghana and CI in 2007 was later expanded to include the TJWG.

The collaboration tested the idea that combining the local and regional knowledge and transitional justice expertise held by CDD Ghana and TJWG, with CI's international expertise on coexistence practice and policy, could make a unique contribution to transitional justice practice in Liberia and, perhaps, other countries in West Africa and beyond. Specifically, the partnership between CDD Ghana, CI and the TJWG led to a set of recommendations for coexistence sensitive approaches to the design, enactment, and follow-up to transitional justice processes. These recommendations offer an example of how local practice that has the potential to impact global policy. Reflections on this collaboration, and the recommendations themselves, are the focus of these Notes from the Field.

What Is Coexistence?

Coexistence is understood as encompassing the values of diversity, equality, and interdependence and is evidenced in relationships across differences that are built on mutual trust, respect, and recognition. Positive coexistence characterizes societies in which these values are manifested, and in which

conflicts are addressed through nonviolent means insofar as possible.² Many types of activities or strategies can fall under the rubric of coexistence work, including: mediation or resolution of conflicts, equity and diversity work, people-to-people programs, advocacy around issues of inclusive governance, immigration, ethnic or cultural rights, coexistence related research, and development of coexistence sensitive policies at local, national, regional, or international levels.

CI seeks to strengthen and inform coexistence practice and policy by engaging with local civil society organizations that are positioned to build positive coexistence in their own settings and international organizations that can help facilitate improved coexistence across different regions and through different areas of work. CI creates opportunities for mutual learning and relationship building between individuals and organizations working in fields related to coexistence, including transitional justice, with the potential to impact coexistence on the ground. CI's other topical focuses include democracy building and the arts.³

² Jessica Berns and Mari Fitzduff. "What is Coexistence and Why a Complementary Approach," Coexistence International (July 2007).
http://www.brandeis.edu/coexistence/linked%20documents/What%20is%20Coex%20and%20Why_FINAL%20template.pdf

³ Other organizations focus specifically on government responses to, and commitments for, coexistence and social cohesion. See for example, the Club of Madrid's Shared Societies Project at: <http://www.thesharedsocietiesproject.clubmadrid.org/>

CI has learned from its West African colleagues working in the fields of peacebuilding, governance, and transitional justice that terms used in the sub-region for describing the principles of coexistence include peaceful cohabitation, unity in diversity, collaborative tolerance, and inclusiveness.⁴ Many countries in the region are emerging from violent conflict and are attempting to rebuild their societies. Much work contributes to such rebuilding, including coexistence sensitive processes such as national reconciliation and integration.

Coexistence and Reconciliation

Transitional justice mechanisms are aimed at achieving justice, peace and reconciliation. CI understands reconciliation as part of a continuum of intergroup relations in which there is an end to violence, conflicts are acknowledged, and there is movement towards cooperation, respect and interdependence between groups. Reconciliation refers to a set of processes undertaken in a postconflict environment and designed to transform relationships of animosity and mistrust into relationships of trust. These processes involve former enemies acknowledging each other's humanity, empathizing with each other's suffering, addressing and redressing past injustice, and sometimes, though not necessarily, expressing remorse,

⁴ These were terms articulated by participants at an Oct. 2008 workshop in Ghana co-hosted by CDD Ghana, The West Africa Network for Peacebuilding and CI called, "Democracy, Conflict, and Coexistence in West Africa."

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granting forgiveness, and offering reparations. Reconciliation reflects a shift in attention from blaming the other to taking responsibility for the attitudes and actions of one's self and one's own community. As a country embarks on a process of reconciliation it must take into account any previous exclusionary practices that may have precipitated conflicts, the trajectory and stage of the conflict, the individuals and communities to be brought into relationship, the leadership resources available, and the larger systems within which the conflict and peacebuilding processes are embedded.⁵

Regardless of the precise language used to describe coexistence, in West Africa, where many countries have either gone through transitional justice processes (Burkina Faso, Ghana, Sierra Leone), are in the midst of such a process (Liberia), or may consider such a process in the future (Cote d'Ivoire), positive intergroup relations and social inclusion are paramount to the prevention of future violence. Ruptured coexistence between groups and distrust between citizens and the state are significant causes of prolonged conflict, and need to be meaningfully addressed to move forward. In speaking about conflict resolution in Africa, Suliman Baldo, Africa Director for the International Center of Transitional Justice (ICTJ), said in a 2007 interview:

⁵ Much of this definition is drawn from a workshop in Liberia hosted by CDD Ghana, the TJWG and CI, and facilitated by Cynthia Cohen. The work of numerous scholars and practitioners addresses definitions of reconciliation, including: Hizkias Assefa, David Bloomfield, Cynthia Cohen, Jean Paul Lederach, Franklin Oduro and Luc Reyhler, among many others.

Communities are naturally inclined to want to continue their coexistence, their sharing of resources, their intermarriages, their interactions. Reconciliation for them is what's known, rather than the exception. It is conflict and war that are aberrations.⁶

Why a Partnership to Introduce a Coexistence Lens to Transitional Justice?

In 2007, CDD Ghana, a civil society organization focused on good governance, accountability, and transitional justice in Ghana and the West African sub-region, proposed to collaborate with CI on a project designed to strengthen relationships and knowledge between West African practitioners from the fields of transitional justice and coexistence and to build sensitivity towards questions of intergroup relations within transitional justice processes and mechanisms.

The proposed project was based on the premise that a transitional justice process can promote reconciliation and create new opportunities for inclusivity and participation across sectors of society, including dialogue and cooperation between government, civil society, traditional and religious leaders, and their communities. Such cooperation, in turn, can help legitimize options for justice and reconciliation, provide credibility to the process, and

⁶ Suliman Baldo, interview by Austin Merrill, Vanityfair.com (July 2, 2007), <http://www.ictj.org/en/news/features/1253.html> (April 6, 2009).

create a more positive context for needed structural and reform work. A transitional justice process can open spaces for discussions of justice, accountability, and forgiveness. Furthermore, transitional governments can model positive, constructive relationships across difference for the rest of society by engaging in dialogue with former adversaries, by forming alliances across differences, and by recruiting women and men of all ages and ethnicities for government positions.

At the same time, CDD Ghana's work with the West Africa Network for Transitional Justice (WANT Justice)⁷ demonstrated that transitional justice efforts, while leading to many positive results, were not taking full advantage of the potential they possess for building lasting coexistence within a society. In introducing a workshop on transitional justice, reconciliation and coexistence (Monrovia 2008, see details below), a colleague from CDD Ghana observed:

To date, many transitional justice mechanisms and postconflict reconciliation efforts have neglected the complex ways in which wars and political violence can affect intercommunal and interpersonal relationships, and the traditional conflict

⁷ Housed at the Ghana Center for Democratic Development, WANT Justice was formed by fellows of the International Center for Transitional Justice and the Institute of Justice and Reconciliation. The Network seeks to extend and deepen civil society engagements with transitional justice processes, promote dialogue, and share lessons as well as networking within the West Africa sub-region. It aims to enhance the prospects and efficacy of transitional justice mechanisms for the consolidation of democracy in the West Africa sub-region through strengthening local actors – individuals and organizations.

resolution and justice mechanisms that exist and are used by communities.⁸

There was also a concern on the part of CDD Ghana and CI that lack of inclusivity and participation across sectors of society in the design and implementation of transitional justice mechanisms can lead to skepticism about the intentions of the process. Such distrust can undermine one of the key aims of transitional justice—facilitating and promoting peace and reconciliation.

What Did the CDD Ghana-CI Collaboration Entail?

In response to the opportunities and challenges presented by transitional justice processes in the sub-region, CDD Ghana and CI engaged with transitional justice practitioners to build coexistence capacity, to introduce the idea of a coexistence lens to transitional justice practitioners in the sub-region, to explore questions relevant to inclusiveness and participation within the transitional justice process, and to share experience across disciplinary and regional boundaries. The two organizations did this through research, fact-finding missions, networking and a number of workshops, including one in Liberia, described below. The collaboration addressed some of the gaps and concerns already observed and documented by those in the field about

⁸ See the workshop report at: http://www.brandeis.edu/coexistence/linked%20documents/Monrovia%20report%20FINAL_926.pdf

transitional justice processes, including that some processes are insufficiently inclusive in their design and enactment and therefore lack credibility, and that some have not been used as an opportunity for dialogue across difference.⁹

Underlying the CDD Ghana-CI collaboration was respect for the two distinct fields of work (transitional justice and coexistence) and for the core values of the transitional justice field, namely accountability for grave and systematic crimes (including human rights abuses) and the privileging of international rule of law. The goal of the collaboration was to bring a perspective of intergroup relations to the justice work, and to emphasize respect for different notions of justice. Through its relationship with CDD Ghana and, later, the TJWG, CI entered the world of transitional justice and gained new knowledge of, and nuanced perspectives on, coexistence in the sub-region. CI contributed to the partnership a framework for thinking about intergroup relations in the sub-region, relevant experiences from other regions, and a platform for disseminating the recommendations that emerged from the project.

Applying a coexistence lens to transitional justice processes increases the possibility of creating fundamental changes in societies that have been

⁹ See for example, W. Lambourne on page 35 of the *International Journal of Transitional Justice*, March 2009 issue. Also see Gunnar Theissen in his chapter “Supporting, Co-existence and Reconciliation after Armed Conflict: Strategies for Dealing with the Past” in the Berghof Handbook: <http://www.berghof-handbook.net> Also see Augustine Some speaking about the transitional justice process in Burkina Faso: http://www.brandeis.edu/coexistence/linked%20documents/Monrovia%20report%20FINAL_926.pdf.

damaged by violence, patterns of inequalities, and abuse of authority. The CDD Ghana-CI partnership supported colleagues from the transitional justice field, including the WANT Justice Network, in using a coexistence lens by educating them on how to take intergroup and intercommunal relations into account when designing, enacting and following up on transitional justice processes. CDD Ghana and CI's work was underscored by the belief that restoring unity in a country takes more than truth telling or prosecutions; that sustainable reconciliation is only possible if there are institutional and grassroots efforts to promote understanding, respect, and sense of shared purpose among different groups.

Civil society organizations working in the areas of governance, transitional justice, and peacebuilding are all crucial players in repairing and rebuilding societies during times of transition, yet in most cases, the types of work that need to happen cannot be easily delegated to one field or another, but are more fluid, and require a sensitivity to, and awareness of, other approaches. To address this reality, the partners introduced interdisciplinary sensitivity to the quality of postconflict intergroup relations.

Monrovia, Liberia: Workshop on Coexistence, Reconciliation and Transitional Justice

In March 2007 representatives of CDD Ghana along with other transitional justice and governance practitioners from the sub-region visited Liberia to discuss the state of conflict and peace building in their various countries and

to understand the situation in Liberia. Participants from Ghana, Nigeria and Sierra Leone shared experiences and lessons from the transitional justice processes in their countries and engaged with members of Liberian civil society and government who were preparing for their TRC process at the time. A key participating organization of this visit was the TJWG, an umbrella civil society organization in Liberia composed of civil society and community based organizations from the fields of democracy, human rights and peacebuilding, among others and focused on transitional justice practice.

Not only were Liberia's infrastructure and systems devastated by years of violent conflict, but its social fabric, and relationships and trust between groups (e.g. women and men, Muslim and Christian, urban and rural,) was badly in bad of repair. Furthermore, cleavages between groups that contributed to the conflict initially still needed to be addressed. Based on these needs, as expressed by colleagues in Liberia, CDD Ghana, the TJWG and CI began working together and reflecting on coexistence within the context of the ongoing transitional justice process in Liberia, and more specifically, the Liberian Truth and Reconciliation Commission (TRC). The three organizations determined that a capacity building and networking workshop could lend support to transitional justice practitioners in that country by facilitating contact with colleagues from other countries, introducing a framework of coexistence and conducting training on coexistence principles and skills.

The workshop was convened in the Liberian capital of Monrovia in February 2008, with a program jointly developed by the three partners to take into account local and international perspectives on transitional justice and coexistence. The 23 participants included local civil society organizations as well as international organizations working on human rights, peacebuilding, trauma and healing, and democracy and governance in the countries of Burkina Faso, Ghana, Sierra Leone and Liberia. Also present during some of the sessions were two members of the Liberian TRC as well as a representative of the ITCJ. The workshop also drew the participation of the Liberian Minister for Foreign Affairs, who was present during the discussion on policy recommendations.

Some of the participants were more experienced than others, but all came to the workshop with a commitment to identifying positive and sustainable ways forward for countries coming out of violent conflicts, and an openness to sharing with, learning from and supporting their Liberian colleagues. Participants from Burkina Faso, Ghana, and Sierra Leone, having already been through TRC processes, came to share their expertise with Liberia, but also to learn about ways to work on continuing transitional justice issues at home.

Over three days the group considered questions such as:

- To what extent have transitional justice processes in the sub-region addressed coexistence issues, either directly or indirectly?
- In addition to addressing the vertical relationships between the government and the people, did the transitional justice processes address the horizontal relationships between and within communities? If so, in what ways?
- What was the impact of the transitional justice process on the quality of intergroup relations in the country in question?
- What could the TRC and the transitional justice process in Liberia contribute to positive intergroup relationships on the ground?
- How could the transitional justice process in Liberia be better leveraged to contribute to sustainable coexistence moving forward?

The workshop also addressed the question of how to take into account a local conception of transitional justice, as understood by the people of the country, with an external conception of how a transitional justice process ought to go, based on international standards, and coming from those who provide the resources for the process to occur. How can the two aspects relate in a transitional justice process understanding that they may or may not be in alignment? How can one go about the process in a way that satisfies a country's people and at the same time outsiders?

The workshop created the space for civil society advocates to share experiences on how transitional justice processes in their countries had

progressed, especially vis-à-vis questions of inclusion and participation. Lessons from previously completed processes in neighboring countries were discussed in order to determine how to repeat successes and avoid potential pitfalls. For example, a number of participants discussed how a lack of adequate outreach to groups within a society (urban and rural, women and men, literate and illiterate) could contribute to confusion over the purposes of transitional justice mechanisms, and concern over participating in the process. This was the case in Sierra Leone, when people had trouble differentiating the Special Court for Sierra Leone from the TRC, which prevented some from engaging in the process.

At the same time, a positive example from Sierra Leone pointed to civil society work that convened groups of women abused during the conflict to discuss varying notions of justice and expectations around reparations, restoration and forgiveness. Building such dialogue and facilitation into the process takes the needs of different groups within society into account and, if followed up, can help to create appropriate responses and programs.

Burkina Faso provided an interesting example of how attention to coexistence and inclusion early on in the transitional justice process ended up shaping the process itself. The government created the Wisemen College, composed of traditional, religious, and civil-society leaders to investigate and document the political violence in the country. It was the Wisemen College—

which has credibility among the country's citizens—that then advised on the creation of the TRC. Although not without challenges, the College contributed to stability and dialogue and delivered significant landmarks for Burkina Faso, including convening a commission for national reconciliation and establishing a fund for victims of political violence.

Aside from providing a general forum where participants could enhance their knowledge about intergroup relations, coexistence strategies, and ways that justice mechanisms and coexistence efforts can become more complementary, the workshop also identified specific challenges facing the Liberian transitional justice process. Questions addressed included: What government body should be charged with the implementation of the TRC recommendations? If a body such as the Independent National Commission on Human Rights were selected, would it be able to ensure implementation without heavy weighting towards retributive justice—an eventuality considered potentially problematic by some participants? It was observed that even though Liberia had an established civil society, individual and institutional capacities around transitional justice and peacebuilding were weak or nonexistent. Liberian participants also pointed out that the TRC process is only the first step on the road to reconciliation, so work must happen at the national level to explore what reconciliation means to groups across the country. Significantly, there were also concerns about whether the process in Liberia had gone far enough in exploring critical cleavages in

Liberian society, namely those between indigenous Liberians and Americo-Liberians.

Recommendations for Coexistence Sensitive Approaches to Transitional Justice

Based on the discussions outlined above, workshop participants generated recommendations for coexistence sensitive approaches to the design, enactment and follow-up phases of transitional justice processes. The recommendations were developed with the belief that coexistence-sensitive transitional justice processes can contribute to improved and sustainable peace. Over the following months, CI staff worked in consultation with workshop participants to clarify and expand the original language and to create a useful framework for structuring the recommendations. In September 2008, the recommendations were published with the support and consensus of the workshop participants. In October 2008 the recommendations were shared at a formal presentation in Liberia convened by the TJWG and attended by local civil society, international organizations and donors, and representatives of the government and the TRC. The recommendations were also formally presented to the Liberian Foreign Minister and the Executive Secretary of the Liberian TRC. The ideas articulated by the workshop participants are now positioned to inform transitional justice with broad, global reach. The recommendations, posted on the CI web site, are as follows:

- For a transitional justice process to be truly effective in helping to restore trust in people and institutions, it is critical that even the conceptualization and design phase be truly inclusive and participatory.
- Different segments of society will advocate for different transitional justice measures and will have different conceptions of justice; a transitional justice process should seek to take into account different notions of justice.
- In making decisions related to different transitional justice measures, questions of equity, balance, location, accessibility (particularly for women, for those who are disabled or live in rural areas), languages, and fair access to resources must be taken seriously.
- A continuous role for local civil society should be built into transitional justice processes, and civil society should proactively assume a role as a contributor to, and watchdog of, the process and the implementation of recommendations.
- To the extent possible, the national and local communities should have primacy in transitional justice processes, thereby increasing the opportunity for local ownership and sustainability.
- The international community has an important role to play in helping to build the capacity of national and local leadership and both state and non-

state institutions. Building transitional justice and coexistence capacities are important steps for the prevention of future violent conflict.

These recommendations have been widely disseminated by CDD Ghana, TJWG and CI in English and French to WANT Justice members and many others, both within and outside of West Africa. Within Liberia, the TJWG disseminated the recommendations to civil society organizations and community-based organizations, including at Hatai centers—places throughout Monrovia where individuals (mostly male) from every spectrum of society gather in large numbers to discuss politics, society, religion, and other major issues. Within a number of such centers the recommendations—with their focus on the potential for social exclusion during a transitional justice process—resonated with many individuals' own experiences. The recommendations have also been shared with individuals and organizations from the worlds of practice and policy, both in the transitional justice and peacebuilding fields, and among university faculty and students.

A coexistence lens offers a framework for understanding and addressing concerns articulated by many about the lack of local participation in transitional justice processes. Liberia, awaiting a full report of the TRC recommendations due in June 2009, will be a case study in applying a coexistence lens. Will the recommendations have credibility with the citizens

across the spectrum in Liberia? What will be the status of the implementation? Will a range of approaches, from formal to traditional, be considered? Will civil society organizations and community-based organizations have the capacity to engage in the deep, community level dialogue and justice processes that need to take place? Important work is presently underway by local groups as well as the ICTJ Monrovia office to prepare for the post-TRC period.

Moving Forward

The collaboration between a US-based group working internationally on issues of coexistence, a Ghana-based NGO focused on governance and transitional justice, and a Liberian transitional justice network demonstrates the important and timely learning that can take place across disciplinary and geographic boundaries. The collaboration also offers an example of how practice in one local can be relevant to practitioners globally.

All partners agree on the importance of thinking about transitional justice through a lens of coexistence. Questions we must now ask ourselves include: How can we assess the impact of coexistence sensitive approaches to transitional justice? How can the work of the transitional justice and coexistence fields better support and contribute to common values and goals? What are areas for future collaboration? Where is there tension between our fields? What, if anything, should be done to address these

tensions? What are the limits of a coexistence lens? And can we identify new ideas so that we can continue to work together—from all of our disciplines, and with all of our strategies—to help repair, rebuild, and reconcile societies that have been hurt and damaged?

Specifically, we must create opportunities to learn from each other and identify ways that the work of each can enhance and extend the impact of the others. We should work together to address focused questions such as which coexistence activities fit best with transitional justice processes? How should decisions be made about outreach and translation of information into minority languages as part of a transitional justice process when funding is limited? When in the lifespan of a truth commission, for example, should different coexistence approaches be used? How do we address accountability when individuals can be both victims and perpetrators?

As Liberia awaits the completion of the TRC recommendations and looks ahead to the post-TRC period, organizations from the fields of transitional justice and peacebuilding should collaborate to develop opportunities for training on mediation, dialogue, and frameworks for thinking about difference and intergroup relations, all of which will be critical skills. CDD Ghana, the TJWG, and CI continue to think about these ideas and to identify needs and opportunities for collaboration.

Conclusion

Transitional justice measures hold great potential for achieving justice, transforming institutions, and reconciling societies. Yet if deep attention is not paid to questions of inclusion and coexistence any progress achieved may be unsustainable or counterproductive. Even worse, it could be a spark for future conflict.

The collaboration described here demonstrated that an interdisciplinary approach to addressing shared goals can enrich both fields, contribute fresh perspectives to persistent concerns, and yield new solutions that make the realization of those shared goals more likely. Pairing the frameworks of coexistence and transitional justice opened the door for addressing critical questions of social inclusion and participation in the Liberian transitional justice process. The partnership showed how each field can make vital contributions to the other—without requiring either to compromise its core values.