

ISSUE 53

# WOMEN'S WORLD

PROMOTING PEACE,  
SECURITY AND JUSTICE

Experiences and Lessons from Civil Society  
Organisations in Burundi, the Democratic  
Republic of Congo and South Sudan



Women's  
International  
Peace Centre

Amplifying Women's Voice and Power

## **Writers**

Christella Niyonzima, Bahati Rubangu Fiston and Mushinzimana Rubaita Gaspard and Brian Mutebi

## **Case Studies**

*L'association des Femmes Rapatriés du Burundi (AFRABU), Réseau pour la Réforme du Secteur de Sécurité et Justice (RRSSJ), SOS- Information Juridique Multisectorielle (SOS-IJM), Dynamique Des Femmes Juristes (DFJ), Eve Organisation for Women Development and South Sudan Law Society (SSLS)*

## **Editor**

Judy Kamanyi

## **Translator**

Agatha Tumwine

## **Editorial Team**

Helen Kezie-Nwoha	Executive Director
Juliet Were	Deputy Executive Director
Sandra Tumwesigye	Strategic Partnerships and Advocacy Manager
Sharon Eryenyu	Communications Officer
Latifah Namutebi	Programme Assistant, Peacebuilding

Cover Photo © Jan Horák

Please address all correspondence to:  
The Executive Director  
Women's International Peace Centre (The Peace Centre)  
Plot 1, Martyrs Garden Road B, Ntinda  
P.O. Box 4934, Kampala – Uganda  
Tel: +256-414-543953  
program@wipc.org  
www.wipc.org

ISSN: 2788-4368

Copyright © Women's International Peace Centre January 2022  
All Rights Reserved

ISSUE 53

# WOMEN'S WORLD

PROMOTING PEACE,  
SECURITY AND JUSTICE

Experiences and Lessons from Civil Society  
Organisations in Burundi, the Democratic  
Republic of Congo and South Sudan



## About the Authors



**Christella Niyonzima**

**Christella Niyonzima** is a transitional justice and peacebuilding practitioner with gender expertise and a researcher on topics related to situations of fragile peace. She has initiated and led various research projects for diverse entities engaged in post-conflict reconstruction under the Women, Peace and Security Agenda, peacebuilding and the role of art and culture in post-conflict reconstruction. In her research and community projects, she specialises in participatory and community-based approaches, placing at the centre of her analyses the perceptions and experiences of the populations affected by the issues explored. She regularly shares her expertise and research findings in various fora and platforms on the African continent and outside the continent. Christella holds a Master's degree in Peace and Governance from the Africa University of Zimbabwe.



**Bahati Rubango**

**Bahati Rubango Fiston** is an advocacy advisor for justice and security Sector Reform at SOS IJM, Teacher and Researcher in letter and human sciences section: English department at ISP-Bukavu. He is well known in South Kivu as a fervent human rights defender and activist as far as good governance, accountability and the protection and defense of human rights defenders (HRDs) are concerned with a focus on women peace building agenda. He is currently committed to the effective implementation of the security and justice sector reform through the setting up of a national security policy (national security vision) as well as the effectiveness of Transitional Justice in DRC.



**Mushinzimana Rubaita  
Samuel-Gaspard**

**Mushinzimana Rubaita Samuel-Gaspard**

is a Teacher and Researcher in the Department of Computer Sciences at the Higher Pedagogical Institute of Bukavu (ISP / Bukavu). He is the author of several scientific articles in the CERUKI book journals. He then published two textbooks of Information and Communication Technology 7th and 8th years of Basic Education. He teaches in several Higher Education and University Establishments in South Kivu and he is currently an Assistant Rector of the University Notre Dame de Tanganyika (UNDT / UVIRA) and Academic Secretary of the Departments of Computer Science and Resource Management Humanities and Commercial Sciences and Project Management of the Higher Institute of Family Pastoral of Bukavu. He is also a teacher and researcher at Institut Supérieur Pédagogique de Bukavu, ISP-BUKAVU in DRC.”



**Brian Mutebi**

**Brian Mutebi** is a Gender, Knowledge Management and Communications Consultant with 17 years of experience in writing and editing knowledge and advocacy products Mutebi trained in leadership, advocacy and storytelling at Johns Hopkins University, U.S.; journalism and communications with the African Centre for Media Excellence, Kampala and Thomas Reuters Foundation in Copenhagen, Denmark. He holds a Master of Arts in Gender Studies from Makerere University.

## About the Organisations Featured

**L'association des Femmes Rapatriés du Burundi (AFRABU)** is a non-profit association initiated in 2002 by nine repatriated and displaced women with a mission to improve the conditions of reception and socio-economic reintegration of repatriated, displaced persons, ex-combatants and ex-prisoners, defend women's rights as human rights and invest in the consolidation of peace and security through actions promoting reconciliation and social cohesion in grassroots communities. The nine founding women members, all Burundians, came from Kenya, Côte d'Ivoire, Rwanda, Tanzania and internally displaced persons. Currently AFRABU has 238 members and more than 200 groups it supervises living in the following provinces: Bujumbura Rural, Bujumbura Mairie, Gitega, Ruyigi, Muyinga, Rutana, Cibitoke and Bubanza.

**Reseau pour la Réforme du Secteur de Sécurité et Justice (RRSSJ)** is a consortium of 189 civil society organizations operating in all the provinces of the DRC geared towards the thematic area of Security Sector Reforms (Police, Army, Intelligence Services) and Justice.

**SOS - Information Juridique Multisectorielle (SOS-IJM)** is a non-profit organization that works in the domains of access to justice, lobbying and advocacy for the rights of women and human rights defenders. It has its headquarters in Bukavu and an advocacy office in Kinshasa.

**Dynamique Des Femmes Juristes (DFJ)** is a non-profit women's organization under Congolese law, led by women lawyers, which works for the promotion and protection of the rights of the poorest, most marginalized and most vulnerable social groups.

**Eve Organisation for Women Development** is a South Sudanese organisation founded in 2005 to empower women and address challenges that hinder their progress. Its areas of intervention include Women's Political Participation, Sexual and Gender-Based Violence, Peacebuilding and conflict resolution, Young women's leadership, Reproductive Health and Socio-economic empowerment.

**South Sudan Law Society (SSLS)** is a civil society organization that represents legal professionals in Juba with a mission is to strive for justice in society and respect for human rights and the rule of law in South Sudan.

# Letter To Our Readers

Dear Reader,

Welcome to the 53rd edition of Women's World that highlights the experiences, good practices, and lessons learned by civil society partners in Burundi, the Democratic Republic of Congo (DRC), and South Sudan advancing inclusive peace, people-centered security, and access to justice.

From Burundi, we share the peacebuilding experience of *L'association des Femmes Rapatriés du Burundi* (AFRABU) a women-led non-governmental organisation focused on strengthening access to justice for women, youth, and vulnerable groups. The DRC write-up presents the experiences, achievements, challenges, and lessons learned in the role played by civil society organizations (CSOs) such as *Reseau pour la Réforme du Secteur de Sécurité et Justice* (RRSSJ) in the implementation of security sector reform processes. The article also proposes recommendations likely to mitigate the obstacles that undermine the effectiveness of the envisaged reforms. The work of *SOS-Information Juridique Multisectorielle* (SOS-IJM) and *Dynamique Des Femmes Juristes* (DFJ) in the implementation of legal clinics in North and South Kivu in the DRC offers key lessons on legal aid services for alternative dispute resolution in a complex conflict-affect context dealing with multiple challenges within the judicial system.

The experience of the South Sudan Law Society illuminates the critical role of civil society in advocating for transitional justice and their involvement in the implementation of transitional justice mechanisms that are meaningful to the people of South Sudan.

As you read these articles, we ask you to join The Peace Centre and its Just Future partners in reflecting on the case studies highlighted, lessons learned, challenges faced, and solutions offered that we hope will influence peacebuilding decision-making, especially in regard to the realisation of more inclusive and just peace processes.

In solidarity,  
Helen Kezie-Nwoha  
EXECUTIVE DIRECTOR

# Contents

1

## INTRODUCTION

---

6

## BURUNDI

### **Women's Rights Organisations and Peace Building in Burundi**

Case of L'association des Femmes Rapatriés du Burundi (AFRABU)

Christella Niyonzima

---

16

### **Resource Mobilization to Advance Women's Representation and Contribution to Peacebuilding.**

Christella Niyonzima

---

28

## DEMOCRATIC REPUBLIC OF CONGO

### **The Role of Civil society organisations in Security Sector Reform in the Democratic Republic of Congo**

Case of Réseau pour la Réforme du Secteur de Sécurité et Justice

Bahati Rubangu Fiston and Mushinzimana Rubaita Gaspard

---

37

### **Legal Clinics as a Mechanism for Alternative Dispute Resolution in the Demoratic Republic of Congo**

Experiences of Dynamique Des Femmes Juristes and SOS-Information Juridique Multisectorielle

Bahati RubangoFiston and Mushinzimana Rubaita Gaspard

---



# 46

## SOUTH SUDAN

### Working with the Security Sector to Tackle Sexual and Gender-Based Violence and Conflict-Related Sexual Violence in South Sudan

Brian Mutebi

---

# 51

### The Role of Civil Society Organisations in the Implementation of Transitional Justice Mechanisms in South Sudan

Brian Mutebi

---

## Acronyms

<b>AFRABU</b>	L'association des Femmes Rapatriés du Burundi
<b>DFJ</b>	Dynamique Des Femmes Juristes
<b>DRC</b>	Democratic Republic of Congo
<b>RRSSJ</b>	Reseau pour la Réforme du Secteur de Sécurité et Justice
<b>SOS-IJM</b>	SOS-Information Juridique Multisectorielle
<b>SSuDEMOP</b>	South Sudan Democratic Engagement, Monitoring and Observation Programme

# Introduction



Women's International Peace Centre is a member of the Just Future Alliance, a consortium of civil society partners with a vision of a world in which all security and justice seekers benefit from shifts in power dynamics at different levels toward more inclusive policy outcomes. The programme seeks to strengthen the capacity of national and local civil society actors and to enable their collective action to bring about more inclusive, constructive and legitimate power relations. In the end, the result of these changes will drive more accessible, responsive and accountable security and justice institutions and more inclusive arrangements for political governance and peace-making.

The programme is implemented by two international CSOs (CORDAID and Search for Common Ground); three regional CSOs in Africa (African Security Sector Network- ASSN, West African Network for Peacebuilding -WANEP and Women's International Peace Centre), three research partners; (Rift Valley Institute- RVI, Stockholm International Peace Research Institute- SIPRI, and the Van Vollenhoven Institute at Leiden University); and a global network partner, Civil Society Network for Peacebuilding and Statebuilding- CSPPS. The members of the Just Future Alliance work hand in hand with 27 local implementing partners (national CSOs) in 6 countries (Afghanistan, Burundi, DRC, Mali, Niger and South Sudan) to achieve the projected programme outcomes.

All 6 countries are characterized by widespread (though unevenly distributed) insecurity, poor access to justice, political decision-making arrangements reflecting

exclusive political settlements, and (in the cases of Afghanistan, Mali, and South Sudan, in particular) deficient processes of peace-making or peace implementation, as well as entrenched poverty.

In these 6 countries, security and justice institutions are weak, unresponsive or non-inclusive and do not meet the needs and claims of security and justice seekers. While Burundi's political settlement has grown more closed and authoritarian since the end of civil war in 2005, further constricting civic space, the state in DRC remains fragmented, unable to exert authority over diverse armed actors in the peripheries. In Mali and Niger, the exclusion of a vast youth population from access to power and resources feeds into a regional context of violent extremism, state degradation, and seasonal migration. National boundaries between countries in the Great Lakes and Sahel regions have been porous to constant, often conflict-driven movements of people over the past four decades. Afghanistan and South Sudan are at different phases of their peace processes, but the inclusiveness of the resulting settlements is of paramount importance in both countries: in Afghanistan, women, in particular, fear the consequences of a power-sharing deal with the Taliban; in South Sudan, implementation of the 2018 peace agreement has been affected by weak political will and failure to arrest a slide toward political exclusion based on gender and ethnic identity.

In all 6 countries, actors outside the ambit of the state fill the spaces vacated by state weakness: customary authorities deliver security and justice, and armed insurgents take up the claims of populations excluded

from political decision-making, resulting in a patchwork of public authorities with varying levels of legitimacy. Moreover, 5 countries (all but Burundi) are characterized by a large presence of international peace and security actors, including the United Nations, the European Union and bilateral initiatives, further complicating the spectrum of public authority.

Notably, approximately one in four of the world's internally displaced persons (IDPs) live in one of these 6 countries—a total of 10.25m people internally displaced by conflict and violence. This figure includes IDPs affected by three of the world's largest displacement crises: DRC (5.51m IDPs), Afghanistan (2.3m) and South Sudan (1.35m). In addition, Afghanistan, South Sudan, DRC and Burundi are among the top 10 source countries for refugees in the world; returnees constitute another excluded constituency in all 6 countries. People living in displacement are at acute risk of insecurity, injustice and exclusion from political decision-making. Their needs are rarely taken into account by security and justice actors, or in local and national governance processes, by state institutions that view them as outsiders, or because there is no tailor-made access to security or justice for those living in exceptional circumstances. The Peace Centre considers that fragility, conflict and violence are the most significant obstacles to achieving the Sustainable Development Goals (SDGs). Just 20% of fragile and conflict-affected states are on track to achieve SDG targets by 200

when 85% of the world's poorest people could be concentrated in fragile states. At the same time, the lack of inclusive development itself generates conflict and violence. SDG16+ on peaceful, just, and inclusive societies is a vital accelerator of the 2030 Agenda, because it addresses fragility directly.

The Peace Centre is working with civil society partners in Burundi, DRC, and South Sudan with a focus on the desired outcome that: Political decision-making, especially in regards to peace processes, is more inclusive of and accountable to the most excluded constituencies, which are able to influence and negotiate collectively with duty-bearers and power-holders in a context of adequate civic space and respect for human rights.

One of the main intervention strategies for the Just Futures programme is mutual learning and capacity-strengthening at different levels i.e. consortium; national civil society partners; and other stakeholders. It is against this background that The Peace Centre organised a 4-day regional learning and networking exchange workshop from 20th to 23rd of September, 2021. The exchange aimed at providing a space for Just Future partners from different countries to exchange learnings and best practices around strategies on civil-military relations; building networks in shrinking civic spaces; Security Sector Reform; strengthening access to justice through legal clinics, and advancing the Women Peace Security

agenda in the Great Lakes region as well as psychosocial support for development workers. The Regional Exchange brought together 17 representatives from Just Future implementing partners – one (1) from Burundi (Bujumbura), seven (7) DRC (Kinshasa, Bukavu and Goma), five (5) South Sudan (Juba) CSO partners.

This 53rd issue of the Women’s World Magazine focuses on highlighting the work of civil society partners in Burundi, DRC, and South Sudan advancing inclusive

peace, people-centered security and access to justice. It also highlights specific case studies, good practices, lessons learned in each country and thematic area and the gender perspective and the specific contributions and experiences of women engaged in peace building and political decision-making processes.

# Burundi



© Mike DuBose / UMNS

# Women's Rights Organisations and Peace Building in Burundi



Christella  
Niyonzima

## Case of *L'association des Femmes Rapatriés du Burundi* (AFRABU)

### Introduction

Civil society organizations (CSOs) in Burundi mainly came into existence at the end of the 1980s during the Third Republic and under the regime of President Major Pierre Buyoya. The opening up of civic space, particularly for CSOs in Burundi emanated from a global uni-polar context following the fall of the Berlin Wall in 1989.<sup>1</sup> Thus, the coming into existence of non-governmental organisations (NGOs) coincides with the democratization of the country and the organisation of the first democratic and multi-party elections. This was a favourable situation for the emanation and consolidation of politically independent organisations. At the time, Burundi was under a one-party regime, which meant that all forms of association were automatically placed under the control of the UPRONA party (*Union pour le Progrès National-Union for National Progress*). From that moment on, the Burundian public arena, long dominated by strong politicization coupled with ethnic conflicts, experienced a domestic upheaval with the mushrooming of opposition political parties that promoted

ethnic divisions. However, despite these turbulent societal breakdowns, some organizations were created and were able to bring together actors from all ethnic backgrounds. An example is the Ligue Burundaise des Droits de l'Homme - the ITEKA league, which brought together the influential members of the young Hutu cadres who had just returned from exile. This later on led to the founding of FRODEBU (*Front pour la Démocratie au Burundi*). The ITEKA league is known to have remained neutral even during the harsh period of the civil war triggered by the assassination of President Melchior NDADAYE.<sup>2</sup>

The civil war that started in 1993 impacted the CSOs and associations as well as the different categories of the Burundian population. Most of them sank into ethnic divisions by siding with one or the other ethnic group. Another challenge that was faced by some organisations that were still standing strong during this period of crisis was the attack on, and reduction of the freedom of expression.<sup>3</sup> The situation did

- 
1. De Reu, Stijn. (2005) The Impact of International NGOs and Civil Society Organizations on the Peace Process in Burundi, *Journal of Humanitarian Assistance*. p.3
  2. Eva Palmans (April 2006) *L'évolution de la société civile au Burundi*.
  3. De Reu, Stijn. p.2

not improve for the CSOs either, with the return to power of President Pierre Buyoya in 1996. However, with time, international pressure and the opening of the Arusha negotiations created an opportunity for CSOs to participate in peacemaking and peacebuilding processes.<sup>4</sup>

The participation of CSOs reached its peak during the 2005 elections when the *Commission Electorale Nationale Indépendante du Burundi* (CENI - Independent National Electoral Commission) was constituted and composed of 5 members, all from the civil society.<sup>5</sup>

The ceasefire between the armed belligerents, and the organization of elections in 2005, marked a new beginning for CSOs. In 2004, Burundi had 1,400 CSOs with the creation rate of about 100 new organizations a year.<sup>6</sup>

These agreements led Burundi to launch a new democratic process following the example of 1992, with an opening up of civic space for political parties and CSOs. In fact, from 2004 onwards, a window of opportunity for freedom of expression opened up, allowing the emergence of a dynamic civil society alongside the political parties. It is against this background that *L'association des Femmes Rapatriés du Burundi* (AFRABU - Association of Women Returnees in Burundi) was created with the mission of improving the conditions of reception and socio-economic reintegration of returnees, internally displaced persons,

ex-combatants, and defending the rights of women and girls as well as human rights. AFRABU has also been working in the areas of peace-building and security through reconciliation interventions, social cohesion and development, in the communities of Burundi.



*... the coming into existence of non-governmental organisations (NGOs) coincides with the democratization of the country and the organisation of the first democratic and multi-party elections. This was a favourable situation for the emanation and consolidation of politically independent organisations.*

AFRABU was therefore created in the context of peace-building, with the ambition of returning peace through inclusive reintegration. Having peacebuilding as one of its major goals, AFRABU has brought together women returnees so that they can participate in nation-building and development, just like the men.

4. Op. cit, p.2

5. Op. cit, p.2

6. Op. cit, p.3



## CSOs on Accountability and Inclusion by Security and Justice Institutions

From the onset of the road to peace-building, the need for the involvement of CSOs was quickly felt. In a study commissioned by the United Nations Development Programme on Burundian civil society, it was noted that the involvement of civil society is necessary for the success of the reconciliation process and the establishment of new institutions capable of building the confidence of the entire Burundian population. The study stated, *“In the current situation, it is evident that the process of seeking and building a lasting peace requires the involvement of civil society at several levels: mediation between the warring parties, bringing together the different segments of the population to ensure a peaceful cohabitation and, finally, in the design and consolidation of reconciliation initiatives”*<sup>7</sup>.

In this regard, Sebundandi and Nduwayo (2002) posited that the role of civil society was paramount in building a post-conflict democratic society.<sup>8</sup> In their work on

*of civil society at several levels: mediation between the warring parties, bringing together the different segments of the population to ensure a peaceful cohabitation and, finally, in the design and consolidation of reconciliation initiatives”*<sup>7</sup>

rebuilding the nation after a destructive civil war, they define several roles of CSOs, which include monitoring the actions of the state, issuing criticisms and whistleblowing; increasing citizen participation; contributing to the building of democratic values; acting as voices and channels of expression for minority and vulnerable groups; training and informing citizens on issues of accountability, constitutionalism, and efficiency among others<sup>9</sup>.

Indeed, with the signing of comprehensive ceasefire agreements between the *Conseil National Pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie*, (CNDD-FDD) movement and the transitional government, CSOs launched multiple interventions aimed at the stabilization of the country. An evaluation report by Oxfam Novib’s programme from 2005 to 2009 demonstrates that CSOs have played



*“In the current situation, it is evident that the process of seeking and building a lasting peace requires the involvement*

7. Sebundandi, C., & Nduwayo, G. United Nations Development Programme Strategy and Support Programme. A report for Burundian civil society. p.5
8. Christopher Sebundandi and Gérard Nduwayo (2002). Etude sur la stratégie et le programme d’appui à la société civile Burundaise. Rapport Projet d’Appui à la Gouvernance Démocratique, Bujumbura, PNUD-Burundi.
9. Ibid



*“As in Sierra Leone, civil society has played an important role in this transformation, including work on human rights, anti-corruption, women and girls, peace and reconciliation, work with refugees, reintegration of demobilized combatants and youth, capacity building work with local NGOs, election monitoring, campaigns on citizenship, and collaboration among public and private media to sensitize and educate the population”<sup>11</sup>*

---

a crucial role in conflict management and hard-won peace-building.<sup>10</sup>

In short, CSOs have been active on all fronts to bring accountability to the new institutions. In her article titled “Getting the Peacebuilding Commission off the Ground: Including Civil Society” Venessa Hawkins Wyeth posits, “As in Sierra Leone, civil society has played an important role in this transformation, including work on human rights, anti-corruption, women and girls, peace and reconciliation, work with refugees, reintegration of demobilized combatants and youth, capacity building work with local NGOs, election monitoring, campaigns on citizenship, and collaboration among public and private media to sensitize and educate the population”<sup>11</sup>.

In general, the Burundian CSOs were highly involved in the demobilization and reintegration of ex-combatants. Their role was to accompany and supervise the demobilized combatants in their rehabilitation and socio-economic reintegration.<sup>12</sup>

---

10. Evaluation of Oxfam Novib’s programme in Burundi, 2005-2009. Final Report.

11. Hawkins Wyeth, V. Getting the Peacebuilding Commission off the Ground: Including Civil Society p.6

12. Jacques Nyabuhwanya, CSO executive in charge of accompanying the demobilized in Mwaro Province, Burundi

## Contributions of Women Organisations in Peacebuilding: The Case of the Association of Women Returnees in Burundi (AFRABU)

AFRABU has contributed to the peace process by organizing meetings between demobilized ex-combatants, returnees, internally displaced persons and community members. These meetings aimed to enhance social cohesion between the various segments of society that had been brought together after a decade of division.<sup>13</sup>

It is important to highlight that the Burundian socio-security situation was only seen in a binary way as a Hutu-Tutsi divide. Hence, the Arusha Accords defined the Burundian conflict as a political problem with an ethnic character.<sup>14</sup> CSOs, especially women's rights organisations such as AFRABU, worked hard to ensure that women's issues were taken into account. It was important to involve women and have them participate in national and peacebuilding processes. This was affirmed by a stakeholder who said, *"...as a women's organisation, we see our role as promoting women's rights and ensuring that they participate in peacebuilding processes"*.<sup>15</sup>

AFRABU has therefore multiplied its efforts and interventions in making peace an essential aspect for the successful realization of its mission. AFRABU quickly realized that it is impossible to achieve sustainable



*"...as a women's organisation, we see our role as promoting women's rights and ensuring that they participate in peacebuilding processes".* <sup>15</sup>

peace without economic recovery, and so economic capacity-building activities were set up for women and the youths.

It should be noted, however, that AFRABU has initiated an effective advocacy strategy with policymakers to influence laws at the legislative and executive levels. Through its Just Future programme, AFRABU and partners, the Bujumbura Bar Association and Observatoire de l'action Gouvernemental (OAG)<sup>16</sup> have succeeded in increasing the level of access to justice, mainly for vulnerable women and people living with disabilities. Just Future's contribution is to build on the achievements of a previous intervention that led to the establishment of a highly effective advocacy strategy.

13. Interview with the legal representative of AFRABU

14. Interview with the legal representative of AFRABU

15. Interview with the legal representative of AFRABU

The strategy consists of the creation of a highly effective platform that brings together local elected officials, parliamentarians, senators, women's representatives and people from social minorities such as the Batwa and people living with disabilities. Commonly known in the Kirundi language

as “Umuhivu w'imboneza z'amahoro n'iterambere”<sup>17</sup>, which is a traditional rope reputed to be unbreakable - the platform facilitates rapid dissemination of information and helps to involve everyone in the resolution of community problems.<sup>18</sup>

## Towards Representativeness in Political Decision-making for Inclusive Peace

In this era of democratic revival, CSOs have been implementing interventions aimed to increase representativeness and inclusion at all levels of society. For instance, the Strategic Partnership for Lobbying and Advocacy (SPLA) project which was implemented by AFRABU and other civil society partners in Burundi. It is based on the foundation laid by SPLA to make its achievements sustainable that the Just Future Programme is being built. The programme is implemented in 7 provinces of Burundi including, Bujumbura, Bujumbura Mairie, Bururi, Mwaro, Makamba and Rumonge, and will run for 5 years. While implementing the programme, in the area of access to justice and inclusive peace, it is very important to capitalise on the lessons learned during the previous interventions.

The goal of the programme is to improve the accessibility, responsiveness and accountability of security and justice institutions, and to have inclusive peace and political decision-making processes, through the mobilisation of civil society for collective action and advocacy that contribute to the acceleration and actualization of SDG 16, that is about promoting peace, justice and strong institutions in Burundi and 6 other countries<sup>19</sup>.

The project has contributed to establishing community dialogue, especially of the minority social groups that are often marginalized, such as the Batwa ethnic group and people living with disabilities. The introduction of the “Umuhivu w'imboneza” approach was innovative and has worked for

17. A platform of community leaders at the service of peaceful conflict resolution and development. The concept is built on the importance of networking leaders who are in the same community so that they can easily meet the needs of their community in a complementary and coordinated way. Literally: \*umuhivu is a Kirundi word that means a three-strand rope, strong and difficult to break; \* Imboneza means leader; \*amahoro means peace; \* iterambere means development.

18. Interview with Damascene Cimpaye, Monitoring and Evaluation Officer, AFRABU

19. Manirakiza Godelieve, Consortium: AFRABU- Bujumbura Bar and OAG. A presentation on the Burundi experience. Kampala, December 2021



*It should be noted that in the programme there is a strong emphasis on advocacy at the community level, which allows different social groups to make their voices heard.*

the success of the Just Future programme activities, given that there was already a culture of dialogue in place.

## Achievements

AFRABU, together with other civil society organizations, succeeded in influencing certain laws at the parliamentary level, such as the law on choosing local leaders and the Elections Act. The law on electing local leaders advocated for a system of having individuals who are recognized as role models in their community. This new approach borrowed lessons from the famous historical organization of the “Bashingantaha” which was reserved only for men. Realizing that this bill did not take into account the gender dimension, AFRABU petitioned parliament, and the bill was sent back to the cabinet for review. Regarding the Elections Act, the law stipulated that for any list of candidates presented by

It should be noted that in the programme there is a strong emphasis on advocacy at the community level, which allows different social groups to make their voices heard. The beneficiaries of the programme are organized in groups working in the areas of peace-building and economic development. The programme also focuses on advocacy and capacity building for women. In this regard, a mentorship approach has been adopted, as a strategy aimed to keep women in the elective positions they hold and to encourage more to participate in elective politics. This approach was developed after noticing that despite the quotas granted to them, women remain under-represented, particularly at the local level.

a political party, for any 4 candidates, there should be at least one woman. The advocacy pushed CENI <sup>20</sup> to adopt a quota of having a minimum of one woman out of 3 candidates.

In the 41 communes where the project is implemented, advocacy strategies are prepared and implemented every year. Information is gathered during community dialogues that involve everyone. Several community problems have been solved at the local level. For example, local leaders at the village level have been handling cases of battered women in several communes, which has significantly reduced domestic violence.

20. <http://www.droit-afrique.com/uploads/Burundi-Code-2019-electoral.pdf>



© Paul Jeffrey / Caritas

Actions have been taken to improve the representation of women in elective positions using a strategy that encourages women to take up leadership roles, maintain their positions and inspire other

women to join. With the involvement of the Bujumbura Bar Association, vulnerable people in 41 Communes in 7 Provinces have been able to have access to justice through legal aid

## Good Practices for Effective Interventions

- Using the Umuhivu w'imboneza mechanism: in the 7 Provinces where AFRABU works, the structure is efficient right from the village level, through the Zone, the Commune up to the Parliamentary level. During the

parliamentary recess, meetings are organized to bring together all the key actors who are members of the platform. All community problems that require a response from the central level (especially laws that are passed at

the parliamentary level and policies or programmes prepared and executed by different line ministries) are identified.

- **Mentorship:** This approach targets and specifically supports women who show signs of leadership. Their visibility allows them to be identified by political parties which front them as candidates during elections
- **Community engagement:** By ensuring that preparations for annual advocacy plans start at the commune level and involve community members, success is more likely.
- **Disability inclusion:** This approach has enabled AFRABU to involve people with disabilities in the activities of the

groups it works with. Currently, the concerns of these often marginalized groups are brought to the attention of policymakers through the project's information transfer system.

- **Collaboration with government authorities and civil society organizations:** AFRABU works closely with the government through the local authorities at all levels and also works closely with the line ministries and focal points from the Ministry of Solidarity and the Ministry of Interior and Local Development. AFRABU is now actively working with the different parliamentary committees working on gender issues.

## Lessons Learned

From AFRABU's experience across the seven provinces, three key lessons have emerged for any actor committed to ensuring inclusive political decision-making on peace and security in Burundi.

- Political decision-making, particularly in peace processes, should be more inclusive and accountable, even to the most excluded groups, to collectively influence and negotiate with duty bearers and power holders to ensure adequate civic space and respect for human rights.
- Gender mainstreaming in national programmes and laws is important because in most cases the decision-makers are men.
- Elected women are not necessarily women's representatives because they often put the interests of their political parties above the general interests of other women. So having a female decision-maker does not necessarily mean having a sympathetic ear for gender issues. Efforts should be taken to engage all women's representatives to understand and support women's priorities.

# Burundi





# Resource Mobilization to Advance Women's Representation and Contribution to Peacebuilding.



**Christella  
Niyonzima**

## Resource Mobilization in the Burundian context

Often taken as synonymous, the concepts of resource mobilization and mobilization differ in the dimensions they touch. Actually, resource mobilization goes beyond fundraising as it also takes into account human resources, equipment, services, etc. to also integrate funds or financial resources. From a practical point of view, fundraising must be linked to other types of resources that can be mobilized to ensure the accomplishment of the mission for which the funds are being mobilized.

This means that the relationship between donors and beneficiaries of the funds has evolved to include other forms of support and resources needed by such beneficiaries. Over the years, these relationships have to come to integrate the partnership dimension, involving technical aspects, even if it means using the term “technical and financial partnership”.

Thus, the concept of “resource mobilization” refers to all the activities undertaken by an organization to obtain

new and additional financial, human and material resources to further its mission. Inherent in resource mobilization efforts is the pursuit of organizational sustainability and predictability. The key to all good resource mobilization strategies is to create different funding streams- over-reliance on donors/grants from a single source is risky and should be avoided”.<sup>21</sup>

Indeed, an organization's success is closely tied to its ability to mobilize the resources necessary to undertake actions related to its mission and cause. According to Goretti Ndacayisaba, a long-time women's activist in Burundi, an organization's primary resource is its human capital. It is the main resource without which the actions for which funds are mobilized could never be realized.<sup>22</sup> She adds that humans provide the skills, their expertise, their cultural and scientific knowledge, etc. and in some cases the finances. “We face a great challenge of funding, but fortunately, we are gradually gaining financial independence in terms of funding, in some instances. For example,

21. Lisa Dardis , Resource Mobilization, Hotel Africana,23 September 2021

22. Goretti Ndacayisaba, Secrétaire Exécutive de DUSHIREHAMWE, interview réalisée le 17 février 2022

all of our groups organize quarterly meetings using with funds collected from membership fees ".<sup>23</sup>

In the Burundian context, the late 1990s represent the period during which the struggle to advance the cause of women reached its peak. Thus, there was an urgent need to mobilize women and men concerned about the political and security crisis in general and the situation of women in particular. "It was necessary to take initiatives to involve women in peace negotiations and nation building. It was obvious that the government and its executive were less aware of this issue".<sup>24</sup> The mobilization of competent people for such interventions was more than necessary and implied significant efforts from the pioneers of this cause. It should be noted that human resource mobilization is a perpetual and unavoidable process for any organization. While agreeing with her colleague, Ms. Godelieve posits that organizations need human resources in terms of members of the organization but also in terms of personnel. The latter are crucial because they implement the actions of the organizations as they are competent in various fields.

In a more broad way, civil society organizations working in the field of women's rights advocating for their participation and contribution in the building of a post-conflict Burundi have been able to increasingly put in place processes of resource mobilization despite a multitude of challenges that

persist. Indeed, at one point, the different actors have had to hold continuous and constant dialogue with resource provider partners.

According to the Practical Guide for Research and Community-Based Organizations, Resource Mobilization refers to a "management process that involves identifying people who share the same values as your organization, and taking steps to manage that relationship".<sup>25</sup>

In that regard, this understanding of resource mobilization is illustrated by six organizations that were able to mobilize 125 times more budget than what the Ministry of Gender had in its remit in 2009



*"Because of our strategic partnerships with European, American and Canadian organizations, we managed to mobilize a sum of 6 billion in 2009 while the budget of the Ministry of Gender, which was supposed to be the leader in this cause, was approximately 48 million Burundian francs".*

---

23. Goreth , opcit

24.

25. FAO, 2012. Un Guide pour la mobilisation des Ressources. Retrouvé sur

As the issue of gender equality becomes more and more important at the international level, the number of stakeholders in this field in Burundi has increased over the years and they have rich and diversified experiences. On the other hand, the adoption of the UNSCR 1325 in 2000 has strongly pushed international and national actors to develop their capacities in the field of resource mobilization for the advancement of this cause. It should be noted that such challenges are found at all levels of post-conflict interventions, especially with heavy dependence on external aid which is a typical characteristic of countries emerging from violent conflicts, as it is the case with Burundi.

## **1. Resource mobilization; a cornerstone of Burundian women's peace initiatives**

The political resolution of Burundi's longest and most fateful conflict in the early 1990s was an indisputable proof of the political exclusion suffered by women. However, it was a window of opportunity for the introduction of certain changes and a remarkable turning point for women's rights claims, <sup>26</sup> including political rights. Indeed, these efforts to resolve the issue

have brought various perspectives to the political and media scene. In addition to sensitive issues such as ethnic conflict, conflict dynamics between the warring parties, human rights, and women's rights and participation in the context of post-conflict reconstruction, these issues have also come to the fore.

However, following the two years of negotiations, the Arusha Peace and Reconciliation Agreements in Burundi (1998 - 2000) were signed between the warring parties, with a clause emphasizing a special consideration of women's political participation in the reconstruction of the Burundian state. <sup>27</sup>

It should however be noted that women's participation in the negotiations was neither a spontaneous act nor an invitation that was fairly received as it was for all the other parties around the negotiating table. It was rather a struggle and with several obstacles, thus resulted in a participation limited to observer status.

Analyzed retroactively, this participation is an appeal to actors and decision-makers to rethink peacemaking processes:

---

26. Impunity Watch, 2017. M. L. Manirakiza and C. Niyonzima. Masculinities and the continuum of violence against women in societies in transition. Case study on the peace processes in Burundi

27. Cette clause sera transposée dans la constitution burundaise de 2005: exigence constitutionnelle de quotas de 30% des femmes dans les instances de prise de décision.



*“If the goal of a peace process is only to end violence, then women, who are rarely the belligerents are unlikely to be considered legitimate participants. If the goal is to build peace, however, then more diverse contributions from the rest of society are needed.”* <sup>28</sup>

---

Like most struggles over socio-political causes such as poverty and political discrimination, the struggle for gender equality in relation to decision-making processes in Burundi was initiated by women who were living the situation and were tired of sitting on the sidelines and only waiting to benefit from the conflict resolution debate when they were losing out like their fellow citizens. Moreover, they knew they were capable of acting as full-fledged citizens to put an end to the civil war and everything that kept women in the background. With this in mind, an idea was born to form a group of women who would go beyond their political and ethnic divisions to influence the course of the political process and the resolutions of the debate and all the efforts to return to peace that would follow. This group was therefore founded and developed by some pioneers in the struggle for women’s participation.

It was a long struggle that resulted in an observer status rather than a political right to participate in the political debate and political resolution of the conflict that continued to plague Burundi. However, the women present in Arusha engaged in strong and strategic advocacy and lobbying and resulted in, among other things, a clause in the Agreement stipulating a minimum 30% quota for women in all post-Arusha decision making bodies.

The end of the negotiation process allowed for the establishment of an environment conducive to the increased possibility of women development in a post-conflict context.

This was one of the first and significant resource mobilization adventures; human resources in terms of strong connections with important political figures (President Museveni who was the main mediator and President Mandela who was the facilitator of the negotiations between the belligerents) but also financial resources to ensure the possibility of traveling from Bujumbura to Arusha via Entebbe and Kampala to claim their right to contribute to the heated debate that was taking place in Arusha. Financial support was mobilized by these women from organizations such as UNWomen (UNIFEM at that time), International Alert and many others. <sup>29</sup>

It was also a mobilization strategy for both internal and external networking between Burundian women living in Burundi, in

---

28. Marie O’Reilly, Andrea Ó Súilleabháin, et Thania Paffenholz. “Reimagining Peacemaking: Women’s Roles in Peace Processes”

29. Op. cit.



© Jiri Pasz/Caritas

exile in neighboring countries but also all those in the diaspora, thus constituting of an intellectual mass of women scattered on the African continent and elsewhere. The efforts resulting from the signing of the Agreement constituted a series of resources that have for the last 20 years contributed to highlight the resources that can be mobilized by women activists regrouped in organizations and the latter being constituted into networks.

In fact, the awareness and sensitization on the role of women during and after the war was made possible by a strong mobilization of human, material, technical and financial resources. Today, more than 20 years after the Arusha experience, the struggle to ensure the effective participation of women in the decision-making process as well as in the management of the city remains relevant with vivid remarkable progress. It is therefore important to analyze the

experience and good practices acquired by civil society organizations in general and women's organizations in particular in terms of resource mobilization.

This is particularly important given that the environment in which resources are mobilized is increasingly competitive due to the emergence of a variety of actors at the local level. The latest global upheaval, the covid-19 pandemic and the subsequent global economic crisis are making resources more scarce and may continue to significantly affect the interventions of civil society organizations. CSOs adaptability in terms of resource mobilization is therefore very crucial for their survival and the sustainability of their interventions.

Based on the conceptualization of resource mobilization, interviews with CSO leaders and documentary research, this article therefore presents the experience

of women's organizations engaged in advancing the cause of women in the Burundian organizational context.

## 2. Financial Resource Mobilization in Post-Conflict Burundi

Afrabu<sup>30</sup> and Dushirehamwe<sup>31</sup> are women's initiatives that emerged in the wake of the resolution of the Burundian socio-political crisis. They all had a common agenda of ensuring gender equality and contribution of women in the reconstruction of the country. For this mission, the resource mobilization and more pertinently, the mobilization of funds, was more than a necessity. For this, the organizations quickly rolled up their sleeves to mobilize the necessary funds.



*“In the early 2000s, our initiatives were aligned with a current international issue of the rapid need to capitalize on the silence of arms. Although it was still an unstable and uncertain time, it was a door of opportunity that allowed us to raise a great deal of money to advance the cause of women's participation, their role and place in the reconstruction of*

*our communities. At the same time, we were fortunate that we won many international actors to support the cause and were willing to invest in Burundi for this particular cause”.*<sup>32</sup>

This clearly shows that the first initiatives were developed in a favorable environment for the raising of funds for the financing of actions undertaken on the ground. It should be noted that, in the process of mobilizing funds, the major difficulty is always accessing information on the potential existence of funding and establishing relationships with identified partners. In the case of CSOs in Burundi, some of these partners came on their own initiative to support local initiatives. Thus, CSOs were encouraged to develop 'fundable' projects for which partners provided financial support and in some cases technical support and capacity building for members and staff. To make the beneficiary organizations more effective, new themes—such as conflict resolution, project design, and results-based management—were introduced to respond to the needs that were identified in Burundian communities and to contribute to a continued reduction in the persistence of violence following the violent conflicts.

Since 2004, civil society organizations have been extraordinarily effective in the efforts invested in the various mechanisms

30. Association des Femmes Rapatriées du Burundi

31. <https://dushirehamwe.bi/>

32. Goreth, opcit

introduced, such as demobilization, disarmament, and reintegration (DDR) of ex-combatants and in the socio-economic reintegration of refugees with a gender-sensitive approach.



*“We worked with the ex-combatants on the entire demobilization, rehabilitation, and reintegration process. We would manage a project that provided them with rehabilitation kits to help them reintegrate into civilian life. We received support from government and its TFPs to carry out these tasks for a period of two years. In the province of Mwaro and Bujumbura, we have been able to support hundreds of former combatants, both from the CNDD-FDD and the Burundian Forces”.* <sup>33</sup>

This need to mobilize funds has led actors to mobilize technical capacity and resources for project design and submission as the main fundraising strategy. As Ms. Goretti Ndacayisaba observes, the majority of CSOs depend solely on project submission and project documents have become fundraising tools.



*“Today in 2022, we are facing the challenge of reduced funding, we need to find strategies and to be more competitive than ever before. Currently, our technical and financial partners have a wide range of organizations submitting projects, which was not the case 20 years ago”.* <sup>34</sup>

In a nutshell, most organizations have limited themselves to the first of four forms of financial resource mobilization:

**Donor funding:** These sources can include donations, project funding, online crowd-funding, fund-raising events etc. that are usually project-specific.

**Income-generating activities:** These sources can include membership or subscription fees, publications, sale of products, in-Kind contributions, including volunteer staff time, training and consultancy etc. that are usually generic or non-project specific, partnerships with universities to support research around your project

33. Jacques, Cadre d'une ONG locale engagé dans le désarmement et la démobilisation

34. Goreth, opcit

**Investments:** These sources can include fixed deposits, financial investments, trust funds, endowment funds that are usually generic or non-project specific, other areas to consider owning office space and renting part of it?

**In-kind contribution:** Usually good to engage private sector in this type of resource mobilization <sup>35</sup>

In other words, a financially stable organization develops a strategic fundraising plan that calls for generating funds through: Sale of goods, Sale of services, Public sector grants, Donor funding, charitable contributions, Private sector partnerships. Successfully implementing such a strategic plan can determine whether organizations seek financial self-sufficiency or financial sustainability.



*“Having realized that we are exposed to an extremely volatile context in which donors may momentarily stop providing support, we have made the decision to develop internal fundraising back-up plans or consider offering monetized services. Even the groups we*

*support are strengthened and their capacity built in this work of resource mobilization at the their local levels”.* <sup>36</sup>

Although the tendency to seek grants is still prevalent among CSOs, some of them are becoming aware of the need to broaden their base of support beyond the usual sources of funding. CSOs are increasingly resorting to charging for their services where possible, but the legal framework governing these organizations does not allow for this in the sense that they are defined as not-for-profit organizations. When there is an opportunity to monetize the services offered by CSOs, the TFPs, <sup>37</sup> companies and the government participate in financing through this type of channel. For example, CHASAA (Chambre sectorielle d’Art et Artisanat) builds up its own fund through internships and training programs in which graduates of public vocational training centers in Burundi participate. <sup>38</sup> Charging modest fees for services can help make the CSO more financially viable.

35. MANIRAKIZA Godelieve, opcit

36. MANIRAKIZA Godelieve, opcit

37. Partenaires Techniques et Financiers

38. NINTUNZE Florent, un ancien Chargé de Suivi et Evaluation à la CHASAA



### 3. Mobilizing cultural resources to advance women's rights

An analysis of the perception of the actors we met reveals that the use of the two concepts (resource mobilization and fundraising) as synonyms affects the appreciation of the value of other resources that can be mobilized for their work, which has become essential in all post-conflict reconstruction interventions in Burundi. This is at the root of the development of resource mobilization strategies that are highly deficient because they are based almost solely on the design of projects to be submitted to potential donors, thus creating a culture of dependence on these grants.

However, this work and these organizations have made great use of local solutions, strategies based on cultural aspects and to some extent artistic strategies that can be mobilized locally.

In fact, CSOs, in the area of peace-building, are resorting to a mobilization of Burundian cultural values that allow them to play their role in supporting the Burundian government and local communities.

Civil society organizations have played a crucial role in post-conflict reconstruction. Indeed, their role has been in the transformation of the country's socio-political landscape.



*“This transformation has included work on human rights, anti-corruption, women and girls, peace and reconciliation, work with refugees, reintegration of demobilized combatants and youth, capacity building work with local communities and non-governmental organizations. The program also includes work with demobilized combatants, capacity building for local NGOs, election monitoring, citizenship campaigns, and public-private partnership”.* <sup>39</sup>

However, I can say that the success of this work is a gamble that requires going beyond the rational Cartesian theories conceived in the Western world and rather use mechanisms that are adapted to the local context.

In some cases, the projects implemented go so far as to find meaning, logic and names that are locally and culturally close to the Burundian community in order to encourage easy and easy ownership. This seeks self-mobilization of the community to facilitate acceptance on the one hand and the achievement of results on the other.

---

39. Getting the Peacebuilding Commission off the Ground: Including Civil Society Vanessa Hawkins Wyeth

These resources fall into a category that is difficult to assess in terms of monetary value or skills.

These mechanisms bring community members back to the knowledge of how to live and a know-how that emanates from the Burundian heritage and cultural ecosystem of yesteryear and that can help rebuild a dimension that is difficult to reach with funds. It is about the reconstruction of the nation that re-mobilizes the bonds of common belonging to the same country and thus contributing to the reconstruction of a harmonious community. They often appeal to the collective or community psyche by playing on the values recognized and respected by all.

In this regard, Afrabu has succeeded in bringing together repatriated women, youth, IDPs as well as community members living in the hills through the use of the very popular community work strategy locally known as the “Ikibiri”.<sup>40</sup> This work method involves mobilizing community members to come out in large numbers to support a community member in need of assistance. This strategy of mobilizing human resources around a common cause has not only produced tangible results such as the construction of a house for a widow, but has also strengthened social ties between the participants in these initiatives, banishing fears, mistrust and barriers over

time in order to move towards a more peaceful and accommodating community. This methodology is also an approach that Dushirehamwe has been implementing for years and whose members are now recording achievements that cannot solely be achieved with donor funding.<sup>41</sup> The experience of local organizations and research done in the framework of women’s rights and projects around the Women, Peace and Security Agenda, show that the effective participation of women in post-conflict reconstruction efforts requires strategies that deconstruct the conditions and structural violence that pose obstacles for women. It mobilizes systematic and subtle strategies and mechanisms for women’s involvement. This has been the case with the establishment of the “Umuhivu w’imboneza z’amahoro n’iterambere”<sup>42</sup> platform, which is a platform that brings together women at the community level and can also help them network with those in high leadership positions such as parliamentarians, provincial governors, etc. Cultural resource mobilization brings together cultural capital and human and community capital. It is its human side that impacts the way CSOs work on conflict management. These techniques have had a positive impact because they have allowed for the initiation of solutions such as the creation of a community radio station for women, Radio Ijwi ry’Umukenyenzi<sup>43</sup> de Giheta (Radio Voice of the Woman

---

40. GODELIEVE, opcit

41. Gorette Ndacayisaba

42. A platform of community leaders at the service of peaceful conflict resolution and development. The concept is built on the importance of networking leaders who are in the same community so that they can easily meet the needs of their community in a complementary and coordinated way.

43. Literally: \*umuhivu is a Kirundi word that means a three-strand rope, strong and difficult to break; \* Imboneza means leader; \*amahoro means peace; \* iterambere means development.

44. <https://www.iwacu-burundi.org/la-radio-communautaire-ijwi-ryumukenyenzi-dedee-aux-femmes/>

of Giheta), a community initiative of Dushirehamwe, which was set up to manage community conflicts with a focus on the fight against gender based violence in the community of Giheta and its surroundings. This community radio station has been a

capacity building base for rural women living in this locality. They have become journalists of this radio, able to deal with issues that concern their community and thus have created a platform of defenders of women's rights.

## 4. Conclusion

The sustainability and survival of organizations and their interventions depends on their ability to adapt to changing partner trends, their willingness to explore alternative sources of funding and mobilize other complementary, strategic and necessary resources. This situation is not unique to organizations focused on women's contributions to peace-building alone, but to all non-profit organizations. Non-profits, non-governmental organizations, and foundations in all sectors have long benefited from North-South cooperation, which has often been a less viable model

and leaves out a whole range of other types of resources that are available but less considered and therefore not tapped.

The experiences explored in this article underscore how essential their contribution is. The resources in terms of funds are in fact based on the quality and availability of local human, material, strategic and cultural resources that favor a strong sense of ownership and allow for the emergence of innovative ideas that allow for the emergence of local solutions to local problems and thus a solid and sustainable achievement of the results of capitalizing on peace gains in post-conflict contexts.

## References

1. Dardis, L. September 2021. Resource Mobilization, Hotel Africana.
2. FAO, 2012. Un Guide pour la mobilisation des Ressources. Retrouvé sur <https://www.fao.org/3/i2699f/i2699f.pdf>.
3. I.I.P. 2015. O'Reilly, M., at all. Reimagining Peacemaking: Women's Roles in Peace Processes.
4. Impunity Watch, 2017. M. L. Manirakiza and C. Niyonzima. Masculinities and the continuum of violence against women in societies in transition. Case study on the peace processes in Burundi.
5. Wyeth, V.H., New York 2006. Getting the Peacebuilding Commission off the Ground: Including Civil Society

# Democratic Republic of Congo



# The Role of Civil society organisations in Security Sector Reform in the Democratic Republic of Congo

Case of Réseau pour la Réforme du Secteur de Sécurité et Justice



**Bahati Rubangu Fiston**



**Mushinzimana Rubaita Gaspard**

## Introduction

The security context in the Democratic Republic of Congo (DRC) is characterized by considerable insecurity in some provinces. For more than two decades, the country has experienced active national and foreign armed groups operating on the Congolese territory, killing peaceful citizens, looting, and burning villages. South Kivu, North Kivu, Ituri and Kasai and some parts of Katanga are the provinces that have been affected. The population lives in a situation of total insecurity and increasing despair. The government is struggling to find a long-lasting solution. Despite the deployment by the United Nations Stabilization Mission in the Democratic Republic of the Congo known as MONUSCO for more than 20 years now, killings, kidnappings and rebellions remain common characteristics of the DRC security situation.

The DRC, seeking peace, stability and security and with the support of bilateral and multilateral partners, has had

negotiations and dialogues with rebel groups and movements. Within the defence and security forces, there is a phenomenon known as 'mixing', resulting from all the negotiations and peace agreements signed between the DRC and the armed rebel groups and politico-military movements because, under the terms of these negotiations, the former rebels joined the defence and security forces, thus turning the former executioners into law enforcement officers. This situation caused a crisis of trust between the population and the Congolese security apparatus. Thus, since 2004, with the Sun City Agreement, DRC has been committed to reforming the security sector to contribute effectively to peace-building; to re-establish internal and external security, and significantly strengthen the power of the State, to prevent conflicts. The Sun City Global and Inclusive Agreement on the Transition in the DRC, of 1 April 2003, called on state and



*This article reflects on the experiences, achievements, challenges, and lessons learned regarding the role played by Civil Society Organisations (CSOs) in the implementation of security sector reform in the DRC.*

---

non-state actors to establish, "...provisions aiming at guaranteeing the security of people, institutions, leaders and key senior cadres...".<sup>44</sup>

This article reflects on the experiences, achievements, challenges, and lessons learned regarding the role played by Civil Society Organisations (CSOs) in the implementation of security sector reform in the DRC. The article also proposes recommendations likely to mitigate the obstacles that undermine the effectiveness of the security sector reforms. To do so, interviews were conducted with key stakeholders from CSOs including Réseau pour la Réforme du Secteur de Sécurité et Justice (RRSSJ). Information was gathered from the presentations and the report of the Regional Exchange on Peace, Security, and Justice organized by

the Women's International Peace Centre in Kampala in September 2021. We also used documentary research from both the internet and the library on security sector reforms.

In discussing the role of CSOs, the article refers to the Security Sector Reform Policy Framework adopted by the African Union in January 2013, which lists functions that align with the current actions of DRC CSOs. These include:

1. Promoting dialogue between different segments of civil society on security issues as a confidence-building measure
2. Active participation in the formulation, monitoring and evaluation of policies and legislation relating to the security sector
3. Promoting peace, security and stability in Africa
4. Promoting and advocating for the culture of good governance, democratic principles, participation, human rights and freedoms as well as social justice in the security sector; promoting and advocating for best practices in the security sector; ...<sup>45</sup>

---

44. Comprehensive and Inclusive Agreement on the Transition in the Democratic Republic of Congo, 1 April 2003, p. 2

45. Policy Framework on Security Sector Reform of the African Union, January 2013, p.33

## Experiences and Achievements of Civil Society Organisations

### The Case of Réseau pour la Réforme du Secteur de Sécurité et Justice (RRSSJ)

RRSSJ, is a consultative platform for civil society actors interested in the issue of security sector reform and it includes the Congolese national police, the army, the national intelligence agency and the Congolese judicial system. The network is made up of 189 CSOs operating collaboratively throughout the different provinces of the DRC. In this way, the RRSSJ contributes positively to influencing national and international public policies related to security sector reform and justice.

RRSSJ's interventions can be summarized in five main areas of work as follows:

1. Monitoring the implementation of public policies on security sector reform and justice;
2. Production of independent analyses on the state of implementation of these public policies;
3. Carrying out activities that enhance civil-military reconciliation and collaboration, along with the Congolese National Police;
4. Mobilizing grassroots communities to take ownership of SSR;

5. Advocacy in favour of transformational security sector reform and justice at national, regional and international levels.

The implementation of these activities enables the RRSSJ to play the role not only of channelling the real security needs expressed by the population to the security service providers but also of being key interlocutors of the defence and security forces in the promotion of their rights as citizens. In addition, RRSSJ intervenes to positively influence public policies at both national and international levels. To this end, it contributes to the construction of a positive discourse aimed at changing civilians' mindsets and perceptions about the army, the police, and the national intelligence agency. RRSSJ has carried out research leading to the publication of reports to contribute to the evolution of the engaged reforms in the security sector. <sup>46</sup>

As part of its advocacy for the effectiveness of the reform, RRSSJ organized civil-military reconciliation actions through the organization of fora for popular expression and public talks. This approach provides a platform for dialogue and consultation

---

46. Among the studies carried out are: 1) *The state of play of the reform of the Army and the role of civil society in the supervision of the defense sector*, June 2021; 2) *Report published on the study on the National Intelligence Agency in the Democratic Republic of Congo and some strategic orientations for reform*, June 2021.

through which local communities and security actors have the opportunity to exchange views on security problems in their respective environments. Through this approach, RRSSJ has succeeded in bringing together the different protagonists with the aim of restoring social trust and contributing to collaboration between the actors of the defence and security forces in the DRC. The advocacy interventions of the Congolese civil society have influenced changes in public policy and the legal framework for the SSR process. Examples include the Prime Minister's Decree of September 2013 on the creation, organization and functioning of the Local Council for Community Security; and the 2017 Congolese National Police Programming Law.

RRSSJ contributed in particular to the development of the Action Plan for the reform of the Forces Armées de la République Démocratique du Congo (FARDC), the promulgation of Law No. 11/012 of 11 August 2011 on the Organization and Functioning of the Armed Forces, and Law No. 13/005 of 15 January 2013 on the Status of the Military in the Armed Forces of the DRC. It is important to note the efforts made by civil society to influence the adoption of organic Law n°11/013 of 11 August 2011 on the Organization and Functioning of the Congolese National Police as well as Law n°13/013 of 1 June 2013 on the Status of the National Police's career agents. However, despite these rich experiences and major achievements, some obstacles and challenges are facing the successful implementation of SSR in DRC.

## Challenges and Obstacles faced by CSOs in the Implementation of Security Sector Reform Processes

The implementation of SSR in the DRC faces several difficulties linked to its particular context. The difficulties are political, security, organizational, socio-economic, and even regional. It is difficult to describe the obstacles and challenges faced by CSOs in the implementation of the SSR process without briefly mentioning the challenges faced by the Congolese security and defence forces. For this reason, this article briefly reviews the challenges and obstacles faced by the Congolese security forces as

the key partner in the SSR process. The obstacles constitute one of the reasons for the weakness and lack of professionalism in the security forces. Some of the reasons for this ineffectiveness include lack of discipline in its leading management, inadequate monitoring of procurement practices, weaknesses in resource management reduced operational capacity, lack of morality, and mission misalignment or obsolescence.<sup>47</sup>

---

47. Emile OUEDRAGO, « Pour la professionalization of armed forces in Africa », July 2014; Available at <https://africacenter.org/wp-content/uploads/2016/06/ARPO6FR-Pour-la-professionnalisation-des-forces-arm%C3%A9es-en-Afrique.pdf>





© Ilvy Njikiktjien / Cordaid

On the political, security and organizational level, since its independence in 1960, the DRC has gone through political crises and armed leadership conflicts. This situation has led to changes in the highest level of management of the State. Consequently, these changes have led to repeated wars resulting from legitimacy crises. The unexpected and unprepared changes in political regimes have had a considerably negative impact on SSR. The historical background demonstrates that the country has experienced periods of terrible crises,

first in 1993 with the so-called ethnic war, from 1996 to 1997 known as Congo Liberation War, from 1998 to 2003 the Rectification War; 2006 to 2007 the Congrès national pour la défense du Peuple, (CNDP) war including the currently active rebels like Forces démocratiques alliées-Armée nationale de libération de l'Ouganda (ADF-NALU), the Mouvement du 23 (M23) and self-defence army groups among others. Progress in the SSR process in the DRC depends on whether the political regime favored it.

Seeking peace and stability, particularly in Eastern DRC, the wars have led political leaders to integrate rebels or former rebels into the Defense and Security Forces which has also had negative consequences for the implementation of the SSR process. The RRSSJ's experience indicates that most rebels have not undergone the necessary training required. They also committed acts that are reprehensible by the laws of the DRC which would make them answerable to the competent legal bodies, per the vision and policy of SSR. Another key constraint is the lack of political will to implement national and international legal instruments by political and security authorities. Furthermore, bilateral and multilateral cooperation is also a major challenge within the regional context of the Great Lakes, as partners have particular interests concerning DRC's natural resources.

Structurally, there is the absence of a national security vision for reform which affects the ability of the Congolese state to control its borders and its territory, as a whole. This

is compounded by the insufficient number of members of the defence and security forces, the lack of adequate equipment to neutralize all the negative forces that sow terror and desolation, and disorder in recruitment and promotion within the defence and security forces.<sup>48</sup>

At the socio-economic level the living and working conditions of law enforcement officers remain worrying. SSR is impacted by persistent greed linked to the illicit exploitation of minerals; limited funding of the SSR process by the Congolese government and its partners. During the 2022 financial year, legislators criticized the Congolese government for reducing the operating budget allocated to the Congolese security sector. Corruption and embezzlement within the Congolese security apparatus, the most recent case being the embezzlement of funds allocated to the operation of the State offices in the provinces of North Kivu and Ituri is a significant obstacle.<sup>49</sup>

---

48. Nine (9) officers of the Armed Forces of the DRC had been arrested and placed under provisional arrest warrant at the Central Prison of Bunia, suspected of embezzlement of funds allocated to military operations in Ituri under the state of siege. Read the article at <https://www.radiookapi.net/2021/10/16/actualite/justice/ituri-9-officiers-des-fardc-condamnes-pour-detournement-des-fonds>

49. For this budget proposal, almost 30% or US\$3 billion of the projected revenue for 2022 will be allocated to salaries. 16.77% for education and 10.35% for health. Environmental protection is allocated 0.68%. And defence gets only 3.95%, or almost \$400 million. An allocation that does not sit well with those who are calling for more resources for this sector in order to restore peace in the east of the country. Read the full article at <http://congoresearchgroup.org/budget-2022-vers-la-reduction-du-train-de-vie-des-institutions-en-rdc/?lang=fr>

## Challenges and Obstacles faced by Civil Society Organisations Engaged in Security Sector Reform Processes

Security sector reform invites diverse stakeholders to consolidate their efforts to provide comprehensive and sustainable responses to security problems. Among these are civil society organizations that must make their contributions to the effectiveness of security sector reform. However, CSOs face the following challenges while fulfilling this mission: <sup>50</sup>

1. Prioritization of national security issues over civil liberties and human rights means that there are fewer opportunities to hold the security sector accountable;
2. Real or perceived lack of capacity of CSOs or lack of awareness of their potential contribution is often an obstacle to their full involvement in security sector issues;
3. Lack of trust and transparency between CSOs and the security sector can make it difficult for CSOs to access key decision-makers, thus limiting them from influencing security and justice policies and programmers;
4. Limited independence of CSOs as they are either funded or co-opted by entities of the security sector reform;
5. Insufficient donor support for democratic accountability of the security sector in favour of technical assistance and efficiency within the sector, which precludes a focus on strengthening civil society supervision;
6. Fragmented civil society, with organizations not collaborating or advocating collectively on issues related to security sector monitoring. CSOs may be dominated by specific groups and organizations, which can lead to women's groups or rural organizations being marginalized and finding it difficult to engage in monitoring mechanisms.

---

50. David Pulkol: Presentation on "The Role of Civil Society in the Democratic Oversight of the Security Sector", Regional Forum on Peace, Security and Justice, Kampala, 20-23 September 2021.

The work of the RRSSJ's network in the security sector reform process is hampered by the following major challenges:

1. Poor coordination and supervision of civil society interventions in the SSR process;
2. Limited capacities of state and non-state actors involved in the SSR process;
3. Lack of mechanisms to enhance interaction between CSOs, the Government, the Parliament (National Assembly and Senate), and technical and financial partners in the SSR process;
4. The absence of practical guidelines to inform the effectiveness of the work of RRSSJ in SSR. DRC does not have a national policy to guide all interventions in the security domain;
5. Inadequate financial resources to implement the activities of the RRSSJ network.

## Recommendations

Despite the significant progress that the SSR process has experienced, the sector still faces many challenges that require collective efforts by the key stakeholders involved. It is therefore in light of these challenges that the following recommendations are proposed:

1. The government is required to engage definitively in setting up the national security policy (national security vision);
2. Both the government and its partners should conduct a national SSR coordination structure focusing on a global vision of national security;
3. Technical and financial Partners should enhance the capacity building civil society actors on the changes in different occurred political regimes and their impact on the SSR process in the DRC;
4. Train civil society actors on fundraising techniques and financing of organizations involved in the SSR process by different partners ;
5. Build the capacity of civil society organizations on communication strategies concerning advocacy SSR issues;
6. Lobby and Advocacy for the improvement of the living and working conditions of defence and security forces agents by civil society actors;
7. DRC and its partners should build the capacity of State and non-state actors on democratic control within the defence and Security forces;
8. Briefly, the Government must set up an effective security sector reform.

# Democratic Republic of Congo



© Jeppe Schilder Photography

# Legal Clinics as a Mechanism for Alternative Dispute Resolution in the Democratic Republic of Congo

Experiences of  
Dynamique Des Femmes  
Juristes and SOS-  
Information Juridique  
Multisectorielle



**Bahati Rubangu  
Fiston**



**Mushinzimana  
Rubaita Gaspard**

## Introduction

The 2006 Constitution of the Democratic Republic of Congo (DRC) makes justice a prerequisite for the development of the Congolese nation and is clear on the independence of the judiciary. In its preamble, the Constituent body emphasizes,



*We, the Congolese people, united by destiny and history around the noble principles of freedom, fraternity, solidarity, justice, peace and labour; driven by our common will to build in the heart of Africa a State governed by the rule of law and a powerful and prosperous nation, ...; considering that injustice with its corollaries and impunity; ... are at the origin of the general inversion of values and the ruin of the country.*

The Congolese judicial system operates in a complex socio-political and economic context, including armed conflicts and a multicultural environment. Therefore despite the constitutional reasoning, the judiciary faces several challenges such as slow handling of cases, high fees to be paid by a population living in abject poverty, poor living and working conditions of judicial agents, as well as a political context which does not provide for the effectiveness or independence of the Congolese judicial system states,

The former Minister of Justice during Antoine Gisenga II's Government acknowledged the dysfunction and corruption within the Congolese judicial system in a press conference in August 2008. "First is the challenge affecting the Congolese judiciary, whose judges are poorly paid and do not perform their judicial duties, but engage in corrupt practices" he is quoted saying in a paper titled *L'indépendance du pouvoir Judiciaire à l'égard du pouvoir exécutif au Congo-Kinshasa*.

Several independent reports and reports by social justice organizations have indicated that Congolese justice is a luxury reserved for the wealthy class of people, and is hardly accessible to vulnerable groups who are the most underprivileged. In the 2017 National Justice Reform Policy (2017-2026) by the Ministry of Justice, vulnerable groups of people such as rural women, disabilities and albinos are identified as not able to access judicial service because it is not aware of all its dimensions including the costs, procedures, legislation, formal mechanisms and alternatives <sup>51</sup>. While the Congolese Constitution, and the laws (le décret N° 159 du 6 août 1959 portant code de procédure pénale congolais et le code d'organisation de la compétence judiciaire congolaise du 11 avril 2013), as well as the Universal Declaration of Human Rights (1948), guarantee the right of access to equitable justice, these challenges prevent the realisation of this vision.

As a result, the Congolese justice system is considered to be the root cause of conflicts instead of resolving them. This is largely due to the interference of the political and military authorities in the considerable execution of the law. It is therefore a formal denial of justice, or a parody of justice as it is commonly known in the Congolese jargon. Even when judgments are passed, there is a challenge in the execution of these judgments in favour of underprivileged groups. However, Article 151 of the current

Constitution of the DRC, 2006 stipulates “The Executive may not issue injunctions to the judiciary, obstruct the course of justice, or oppose the execution of a judicial decision.”

There has been a resurgence of human rights violations against women, young girls and adolescents. This has been accompanied by increased impunity in the context of armed and ethnic conflicts in the DRC in general, and the eastern part of the country, in particular. The Congolese justice system is struggling to find a lasting and effective solution to a wide range of problems. Thus, to contribute to improving access to quality justice, guaranteeing the independence of the judiciary, and reinforcing the dignity of all Congolese, the DRC is committed to reforming the justice sector.

The National Policy on Justice Reform in the DRC adopted in May 2017, enshrines the use of legal clinics as an alternative dispute resolution mechanism (ADRM). Embraced by the Congolese Government, legal clinics are supported by civil society organizations, technical and financial partners. It is against this background that SOS-Information Juridique Multisectorielle (SOS-IJM) and Dynamique des Femmes Juristes (DFJ) are implementing legal clinics in the provinces of North and South Kivu as a mechanism to help the most excluded groups access justice and to peacefully resolve conflicts between communities.

---

51. National Justice Reform Policy, PNRJ: 2017-2006, pp, 14 was adopted by the Ministry of Justice in May 2017 in Kinshasa

## Legal Clinics in North and South Kivu Provinces

Over years, these two NGOs have got strong experiences in providing free services to conflict survivors and threatened human rights defenders (HRDs) by helping them with the legal advice and assistance they need. This free support is provided through the legal clinics, which are legal aid structures. Dynamique Des Femmes Juristes (DFJ), is a women's organization established under Congolese law that works primarily to defend women's and children's rights, with its headquarters based in Goma, in North Kivu Province. SOS-Information Juridique Multisectorielle (SOS-IJM) works on increasing access to justice for all, working for people-centred security, the defence and protection of human rights defenders. Its main office is located in Bukavu in South Kivu Province with an advocacy office in Kinshasa.

SOS-IJM and DFJ also organize capacity-building sessions for both Government and non-government partners in rural and urban areas relating to the functioning of the judicial and non-judicial mechanisms of the Congolese judicial system. In these trainings, facilitators tackle many topics including the Congolese judicial procedure, fees, legislation and relations between different actors involved in a trial and peaceful conflict resolutions. They also focus on the fight against legal and judicial ignorance and provide information on the right to education, women's participation in elections, women's empowerment, and women's civil, economic and political rights. The services offered by the SOS-IJM and DFJ legal clinics include reception, arbitration,

mediation, conciliation, counselling, consultation, reconciliation, advisory services, legal and judicial aid, referral of cases to formal courts and mobile legal clinics. The reception, consultation, mediation, conciliation and referral of cases constitute the main and traditional missions of the legal clinic. This is implemented through the paralegals permanently assigned to the legal clinics, and who are supported by the legal managers and lawyers. The clinics also provide referrals to the Panzi Hospital, the Free Consultation Bureau, the Women and Children Protection Police Unit, as well as the Prosecutor's Office and the courts. As a result of the above SOS-IJM's services have benefitted 3,721 people, among which 2,266 (61%) were women and 1,455 men (39%) benefited from the free consultation services. Among these cases, 1228 cases were concluded by conciliation-mediation of which 800 (65%) were women while 428 (35%) were men. These cases were mediated at SOS-IJM Legal Clinics.

Legal assistance and trial observation are two other important activities for the obvious reason that some key cases require additional legal assistance beyond the free legal assistance granted by the Free Consultations Bureau of the Bureau Association. Trial observation consists of close monitoring of the legal cases entrusted to the lawyers, but also involves enhancing the beneficiaries' confidence in the support provided by the legal clinics. In 2020, SOS-IJM legal clinics handled 214 trial observation sessions.

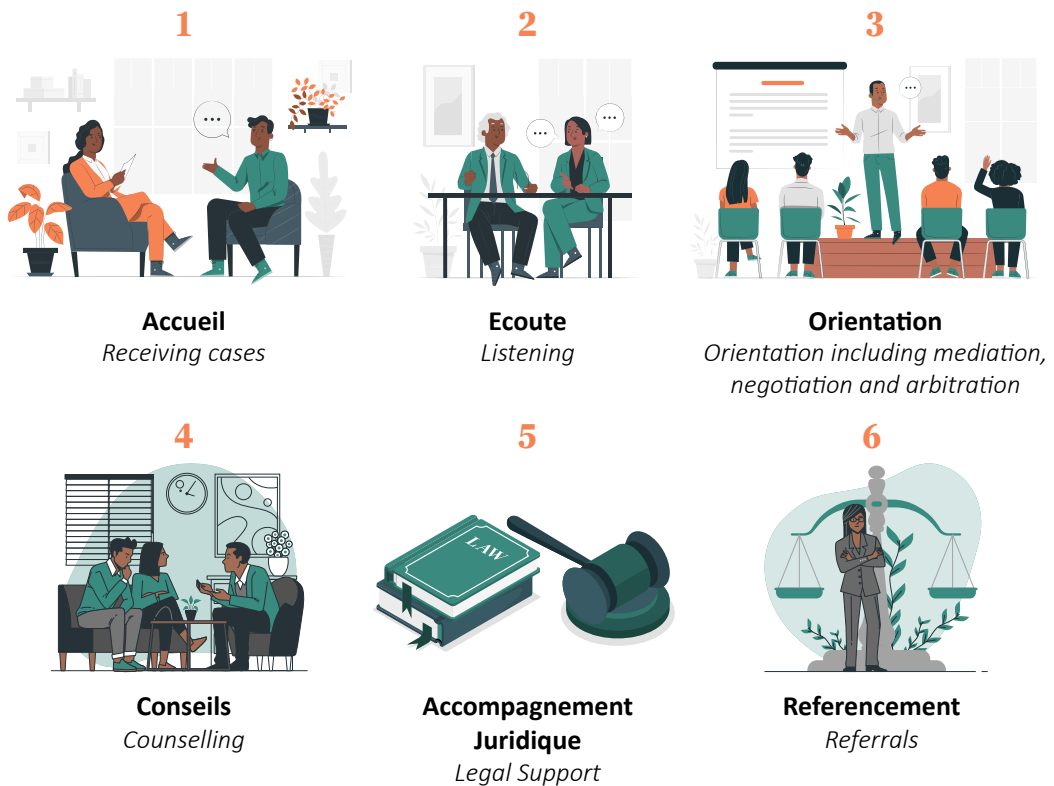


Mobile legal clinics and radio talk shows facilitate outreach consultations and provide information on economic, social, cultural, political and civil rights. They are a perfect channel to reach even the most

remote areas through the ordinary seating of legal clinics and courts.

This process is illustrated in the infographic below:

**Figure 1:** Services of the SOS-IJM and DFJ Legal Clinics



Categories of the cases handled include:

1. Inheritance cases
2. Land dispute cases
3. Domestic violence cases
4. Sexual and gender-based sexual violence cases
5. Intentional assault and battery cases
6. Arbitrary arrest cases.
7. Child abandonment cases
8. Child redemption cases
9. Dowry cases

Table 1 indicates the category of cases received by SOS-IJM by sex between January and December 2021

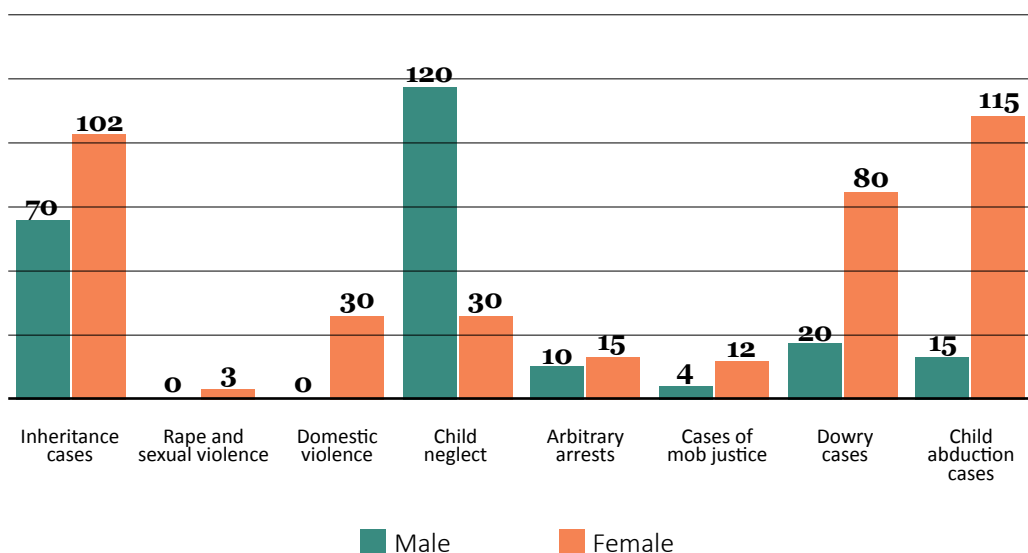
**Table 1**

Category of Cases	Male	Female	Total
Inheritance cases	70	102	172
Rape and sexual violence	0	3	3
Domestic violence	0	30	30
Child neglect	120	30	150
Arbitrary arrests	10	15	25
Cases of mob justice	4	12	16
Dowry cases	20	80	100
Child abduction cases	15	115	130
<b>Total</b>	<b>239</b>	<b>387</b>	<b>626</b>

Source: Archives of SOS-IJM Legal Clinic Archives, 2021

Graph 1 illustrates explicitly the frequencies of these cases by gender.

**Graph 1:** Case frequency by sex



In 2021 SOS-IJM received a large number of cases in its legal clinics with cases of child abandonment, child redemption and inheritance disputes being the highest. Some of the cases handled were concluded at the legal clinic while others were either referred for further legal and judicial support or to other partners, especially medical care providers. This is because SOS-

IJM and DFJ are well aware of the challenges relating to psychological and medical care. The treatment of these cases also includes peaceful negotiations, arbitrations and mediation among the people in conflict.

Table 2 indicates the total number of cases received, concluded, monitored and transferred by the SOS-IJM legal clinics:

**Table 2:** Cases received, concluded, monitored and transferred by the SOS-IJM legal clinics

Case type/ name	Received Cases		Concluded Cases		Referred Cases		Ongoing Cases	
	M	F	M	F	M	F	M	F
Inheritance conflicts	70	102	30	60	5	10	35	32
Domestic violence	0	30	0	17	0	10	0	3
Rape and sexual violence	0	3	0	0	0	3	0	3
Child neglect	120	30	70	20	3	0	47	10
Abduction cases	15	115	7	90	0	5	8	20
Mob justice	4	12	3	6	0	4	1	2
Arbitrary arrests	10	15	10	12	0	0	0	3
Dowry related cases	20	80	10	30	3	20	8	10
<b>Total</b>	<b>239</b>	<b>387</b>	<b>130</b>	<b>235</b>	<b>11</b>	<b>52</b>	<b>99</b>	<b>83</b>

**Source:** Archive of the SOS-IJM Legal Clinics, 2021

## Challenges and Obstacles in Legal Aid Delivery for Alternative Dispute Resolution

The administration of justice and access to quality justice faces several challenges. While handling pro deo cases in the civil and military courts, SOS-IJM and DFJ are met with various obstacles.

1. Judiciary decisions made in favour of victims are not always executed entirely. There is a significant number of survivors who have never received civil reparations from both perpetrators and Congolese State.<sup>52</sup>
2. The courts and tribunals give inadequate sentences in cases of sexual violence.
3. The low payment rate of damages owed to victims of sexual violence for which the state is responsible.
4. The insufficient number of judges to hold audiences at courts and accelerate the delivery of justice in cases with unsentenced perpetrators.
5. The absence of a national law or policy to establish a compensation fund for survivors of sexual violence.
6. Lack of priorities given by the Congolese Government to implement the National Policy on Justice Reform and its Priority Action Plan.
7. Lack of sufficient funds to hold hearing audiences at the local level for Congolese justice to reflect the intended pedagogical approach.
8. Weak enforcement of laws on sexual violence and all the other forms of sexual violence in the towns of Bukavu and Goma.
9. Lack of implementation of transitional justice measures favouring the direct and indirect victims of various crimes including crimes of genocide and violations of international humanitarian law: justice, truth, compensation, and a guarantee of non-repetition.
10. Persistent use of “amicable settlement” of cases within the community results in the repetition of sexual violence by the same perpetrators.
11. Limited involvement of the Congolese government in the program to build the capacity of judicial institutions for the accelerated adjudication of cases of sexual and gender-based violence (GBV) within the legally accepted time frame.
12. Limited financial resources for legal clinics, largely contribute to access to justice for all and the fight against impunity.

---

52. Article 258, 259 and 260 of the Code Civil livre III. Available at <http://www.leganet.cd/Legislation/Droit%20obligations-contrats/Decret.30.07.1988.obl.htm>

## Conclusion

The slow pace of handling legal cases, the high cost, long-distance, and lack of trust of the population in the Congolese judiciary system means that the formal courts are prone to create additional conflicts. The living and working conditions of Congolese judges and their support staff do not favour the smooth running of judicial institutions. Corruption, political interference and nepotism remain the main causes of the lack of trust between the population and the justice system. Judgments in favour of victims of gender-based violence and war crimes are rarely respected by the Congolese Government while individual and collective reparations are low for the victims of mass crimes and international humanitarian law.

Though legal clinics are reported to be peaceful conflict resolutions in local communities, they are not sufficiently supported by the Congolese government as well as technical and financial partners. Mobile legal clinic development approaches and public radio shows constitute ways in which victims of mass crimes can access legal and judicial information, and can thus express their needs to State and non-state actors relating to matters of access to justice. There, therefore, remains a need for support to civil society actors to ensure widespread delivery of legal clinics for alternative dispute resolution.

# South Sudan



# Working with the Security Sector to Tackle Sexual and Gender-Based Violence in South Sudan



**Brian Mutebi**

The 2020 United Nations High Commissioner for Refugees (UNHCR) report on South Sudan carried disturbing statistics. About 4.5 million people have been displaced since December 2013 and around 400,000 lives were lost when violence broke out in South Sudan following political and leadership disagreements. This conflict resulted in widespread sexual and gender-based violence (SGBV) and conflict-related sexual violence. Women and girls suffered the brunt of the problem.

## The Magnitude of Sexual and Gender-Based Violence

In a country that has barely enjoyed peace, it is difficult to fully establish the cost of the conflict. Peter Lemmy Noka, the Programme Officer at the Eve Organisation for Women Development, a women's rights advocacy organisation based in South Sudan says that the full magnitude of SGBV and conflict-related sexual violence on women and girls in South Sudan is unknown. However, studies indicate that around two-thirds of women and girls in South Sudan or about 3.7 million women and girls have experienced physical and or sexual violence in their lifetime, while approximately 2.75 million have suffered intimate partner violence. This is according to the 2019 report of the South Sudan Democratic Engagement, Monitoring and Observation Programme (SSuDEMOP). SSuDEMOP further reported that one-third or 1.8 million affected women experienced sexual violence from a non-partner. This often occurred during attacks or raids on

the civilian populations and where rape is used as a weapon of war.

In 2019, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in South Sudan reported that in the first half of 2018, some 2,300 cases of GBV were reported. This represented a 72 per cent increase in reporting on GBV compared to the same period in 2017. During the same period, 97 per cent of reported cases affected women and girls. 21 per cent of survivors were children, of which 79 per cent were adolescent girls. In 2019, the United Nations Mission in South Sudan (UNMISS) also noted that the majority of incidents of sexual violence were recorded in Central Equatoria State where fighting between government forces and armed opposition groups intensified. UNMISS stated, "Rape, sexual slavery and sexual torture were used for intimidation and punishment, based on perceived political affiliation."

## Working with the Security Sector to tackle Sexual and Gender-Based Violence

### Good Practices

Efforts to tackle the rampant cases of SGBV in South Sudan are multi-sectoral. Besides the sectors that are often engaged in tackling SGBV such as education, health and the judiciary, civil society organisations (CSOs) in South Sudan are working with hitherto unfamiliar partners in the fight against violence against women and girls. These include security sector agencies, particularly the army and the police force.

However, several reports have implicated the same agencies in committing heinous sexual violence crimes against women and girls in South Sudan. According to the 2019 report of the United Nations Secretary-General on conflict-related sexual violence, UNMISS reported that the South Sudan People's Defence Forces were implicated in 37 per cent of the sexual violence cases in 2019. Cases were also attributed to members of the South Sudan National Police Service and the National Security Services. The SPLA-IO was responsible for 15 per cent of the incidents. Other actors such as the National Salvation Front, militias and unidentified armed men were responsible for the rest of the crimes. It is, therefore, necessary to collaboratively tackle SGBV in partnership with security agencies that can make important contributions to ending SGBV in South Sudan.

Eve Organisation for Women Development, established in 2005, has been strong in empowering marginalized women in South

Sudan and addressing challenges that hinder their meaningful participation in peace and security, inclusive governance and economic development processes. For over 15 years now, the organisation has held the banner for promoting gender equality and women's rights agenda in South Sudan. The approach employed by EVE Organisation and other CSOs is to build relationships and cultivate meaningful partnerships with security agencies to address the problem of SGBV. "We get to understand the main power brokers in these agencies, who are often the senior officers in the army or the police force. Then engage non-commissioned officers who are more hands-on and on the ground. We invite them to attend our training events and conferences and share with them protection concerns, violence cases and our plans" Peter Lemmy Noka explains. Noka explains that activists must understand the makeup of the particular agency being targeted for advocacy, build alliances with power brokers or gatekeepers therein, and only share verified information.

The dynamics of engagement with security agencies vary with populations and geographical locations. According to Noka, it is easier to reach out to agencies with protection concerns and get effective responses in the capital Juba than it is in the countryside. Swifter response in urban areas, among other reasons, is attributed to the relatively higher levels of civic awareness amongst the population and





*the Eve Organisation for Women Development established the Adams groups comprised of men who are trained with lobbying and advocacy skills to support gender equality, women's rights and prevention of violence against women at the community level.*

---

how information spreads faster in these areas aided by the increasing advancement in information and communication technologies particularly the penetration of the internet and social media. Publicizing SGBV cases that are committed by armed groups in the conflict zones without compromising the safety and privacy of the survivors, also contributes to the reduction of reoccurrence of cases.

Besides building relationships and rapport, civil society actors in South Sudan have undertaken SGBV prevention advocacy work with security agencies by providing the agencies with facts whenever there are cases of SGBV for which they have credible evidence that the agency members are responsible. "Evidence-based advocacy is paramount because it becomes counterproductive if the information being used is proved to be false. Even with indisputable facts, caution should be

exercised. This means stating the facts and seeking action without necessarily being confrontational but diplomatic with security agencies" he stressed.

Positive outcomes have been realized from the engagements of civil society and security agencies to tackle SGBV. CSOs have trained security agencies, which has enhanced the capacity of the latter in preventing and handling SGBV cases among their ranks but also among the citizens. The military has also established court-martials to prosecute perpetrators of crime within the military. The police force has established the Special Protection Units (SPU). The SPUs are units within every police station with personnel that are trained and tasked with the responsibility of handling – investigating, profiling, and referring – to SGBV cases. CSOs have collaborated with the Ministry of Gender, Child and Social Affairs to improve SGBV case management in addition to training and deploying caseworkers to manage and appropriately refer SGBV cases.



*... tackling toxic masculinity, stereotypes and discrimination has been critical. This includes raising awareness on the impact of inequality and discrimination against women, and documentation of women's success stories and their contributions to development, among others.*

---

In the aftermath of the 2013 civil war, reports were made of the SGBV crimes that were committed and civil society called for the establishment of a specialized court to handle the numerous cases. In June 2019, the Ministry of Justice supported by UNDP established SGBV special courts and mobile courts across the country to ensure speedy trials. The Eve Organisation for Women Development engaged customary courts and security agencies and built their capacity to make their work more effective.

These interventions, including a specific focus on male champions, complement community activities that have been valuable in curbing violence against women

and girls. For example, the Eve Organisation for Women Development established the Adams groups comprised of men who are trained with lobbying and advocacy skills to support gender equality, women's rights and prevention of violence against women at the community level. Noka noted that tackling toxic masculinity, stereotypes and discrimination has been critical. This includes raising awareness on the impact of inequality and discrimination against women, and documentation of women's success stories and their contributions to development, among others. The Adams groups are very instrumental in male peer education on SGBV and support referral mechanisms for survivors of violence.

## Conclusion

While progress in tackling SGBV in South Sudan has been registered, there are critical aspects that remain unaccomplished. For example, the Revitalized Peace Agreement provision of 35 per cent representation for women in governance bodies at both state and national levels is yet to be fully realized. The ministries of interior and defence are yet to establish female associations that are envisaged to support the enforcement of gender-responsive legislation and swift and effective response to violent incidents and all forms of abuses against women. The military and the police force are also yet to develop their women, peace and security action plans.

Nevertheless, Noka at Eve Organisation for Women Development is optimistic about the future and the fight against SGBV in South

Sudan. He opines that there is a notable increase in the level of consciousness about the WPS agenda; more prosecution of perpetrators of GBV; increased funding for women's protection; and a higher number of the youth are in favour of peace as opposed to violence. It is also hoped that urbanization and globalization enhanced by the advancement in ICT, particularly the use of social media will positively impact the peace agenda and reduce violence against women and girls. Noka remarked, "In the next five or 10 years, I see South Sudan becoming a better place for women and men, girls and boys, for everyone. I see a country that is more accountable and responsible to protect women".

# South Sudan



# The Role of Civil Society Organisations in the Implementation of Transitional Justice Mechanisms in South Sudan



**Brian  
Mutebi**

In January 2021, South Sudan's government announced the establishment of the long-awaited transitional justice mechanisms to address violations committed during the conflict, as required under the 2018 Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). This would include the Hybrid Court to prosecute human rights violations that occurred during the protracted civil war and armed conflict in the country. This presents an opportunity to achieve sustainable peace, reconciliation and healing, by ensuring accountability and reparation, including for sexual violence.

The chairperson of the AU Commission, Moussa Faki, expressed his support to the government and people of South Sudan in their quest for peace and security. So did the Chair of the UN Human Rights Commission on South Sudan. Yasmin Sooka, who said in February 2021. "The government has at last taken the first steps to initiate key transitional justice measures to address the legacy of gross human rights violations in South Sudan."

## What is Transitional Justice?

Transitional justice refers to the set of judicial and non-judicial measures undertaken to address the legacy of massive human rights abuses. This includes, amongst others, statutory and customary accountability mechanisms, truth-telling processes, memorialization initiatives, compensation and reparation, and institutional reform.

According to the Transitional Justice Working Group in South Sudan, justice is a key component of the transition from violence to peace. It has four dimensions:

- **Retribution** – punishment for past crimes and violations.
- **Reparation** – the process of restoration, compensation for loss, hurt and suffering.
- **Accountability** – holding offenders publicly responsible for their past criminal conduct.
- **Acknowledgement** – formal recognition and sympathy for the injustices suffered by victims.

## Transitional Justice as Defined in the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan

On 12 September 2018, the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) was signed in Addis Ababa, Ethiopia. Chapter V of the Revitalised Peace Agreement established three mechanisms for transitional justice: The Commission for Truth, Reconciliation and Healing (CTRH); The Hybrid Court of South Sudan, and the Compensation and Reparations Authority (CRA). It was envisaged that the Hybrid Court of South Sudan (HCSS), would be an independent court to investigate and prosecute individuals responsible for violations of international law or South Sudanese law committed since the start of the conflict. The HCSS would have jurisdiction over genocide, crimes against humanity, war crimes, and other serious international and national law violations. No one would be exempt from criminal responsibility.

The Commission for Truth, Reconciliation and Healing on the other hand would

address the legacy of conflict and violence by impartially investigating, documenting, and reporting on the historical record of human rights violations since 2005 and make detailed recommendations for redress. The Compensation and Reparations Fund would provide material and financial support to citizens who suffered harm and losses during the conflict.

The institutional reforms would include judicial and security sector reforms, including the army, the police, Prison Service, and National Security Service. Other institutions that would undergo reforms included the Bank of South Sudan, the Human Rights Commission, Judicial Service Commission, the Civil Service Commission and the Land Commission. The National Revenue Authority, Environmental Management Authority and Economics and Financial Management Authority were among the new institutions to be established.

## The Role of CSOs in Transitional Justice Processes in South Sudan

Gaspar Amule, the Programmes Officer at the South Sudan Law Society, states that CSOs have played a significant role in shaping the agenda for transitional justice in South Sudan. The work started in 2014 inspired by the need for an inclusive process to push for non-state perspectives



*CSOs have held community consultations aimed at empowering and promoting the active and meaningful participation of the citizenry in the justice processes.*

and interests in the transitional justice process. This involved the formation of CSO networks such as the Citizens for Peace and Justice, South Sudan Civil Society Forum and the Transitional Justice Working Group (TJWG), which advocate for the pursuit of justice and reconciliation and the inclusion of women and youth in the peace processes.

The TJWG played a key role in ensuring that a citizen-centred transitional justice chapter was included in the Revitalised Peace Agreement. Amule explains that Chapter V of the Revitalised Peace Agreement guaranteed civil society participation and representation in the Technical Committee for the establishment of the Commission for Truth Reconciliation and Healing, which provided an opportunity for civil society to influence accountability provisions in the transitional justice processes. The TJWG has since played a pivotal role in ensuring the effective implementation of transitional justice mechanisms including documentation of abuses and violations against the people of South Sudan and humanitarian assistance and psychosocial support to survivors.

CSOs have held community consultations aimed at empowering and promoting the active and meaningful participation of the citizenry in the justice processes. In September 2016, the South Sudan Law Society and partners carried out an extensive investigation and reported on people's perceptions and experiences of truth, justice and reconciliation about the past and present conflicts in South Sudan. In January 2021, the TJWG produced the South Sudan Justice Landscape Assessment that examined the transitional justice and judicial reforms being carried out in the country, including the domestication of



*... working in collaboration with government institutions is essential as it widens the space for civic engagement on sensitive issues.*

human rights law and the development assistance in the justice sector of the country. This supports the evidence-based advocacy by CSOs to inform and enrich the transitional justice processes.

CSOs have provided technical support to the government and facilitated stakeholders' dialogues with support from the UN and other development partners. Amule from the South Sudan Law Society observes that working in collaboration with government institutions is essential as it widens the space for civic engagement on sensitive issues. In December 2021, the UN Human Rights Commission on South Sudan supported a high-level conference to sustain momentum for transitional justice in the country. The conference adopted a joint strategy and plan of action to accelerate the implementation of existing commitments under the 2018 Revitalised Peace Agreement. Participants included representatives of the Transitional Government of National Unity of the Republic of South Sudan; the Transitional Justice Working Group representing civil society and victims' groups; the Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) for the Revitalised Peace Agreement; and representatives of the African Union and the UN.

## Challenges in Advancing Transitional Justice

In a 2021 paper titled “Building a Foundation for Justice in South Sudan: An Agenda for the Revitalized Transitional Government of National Unity”, the South Sudan Transitional Justice Working Group noted that the foundational elements that are required for transitional justice interventions in South Sudan to succeed are lacking. For example, there is a political class that is deeply uncomfortable with the notion of scrutinizing and holding individuals accountable for wartime abuses.

CSOs also accuse the government of a lack of political will to genuinely commit to a credible and transparent transitional justice process. A 2018 USAID-commissioned Transitional Justice Documentation Study noted that “the environment in South Sudan is characterized by shrinking civil space and security threats, making it very challenging for civil society activists to safely document violations of human rights law and international humanitarian law.”

The slow progress in putting in place the policy and practical approaches to implementing transitional justice by key government agencies, particularly the justice, law and order sector is attributed to a lack of political will. “Slow implementation comes with a cost,” David Shearer, Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan, told the UN Security Council in March 2021 during his final briefing after four years of service in the country. The UN called on South Sudan’s transitional government to build on gains attained and speed up the implementation of the revitalised peace agreement. Civil society actors also warn that the shrinking civic space, limited resources, mistrust and lack of political will to implement the agenda for transitional justice threaten to roll back the gains made in advancing transitional justice in South Sudan.

## Conclusion

Addressing the legacies of mass human rights violations is a daunting and complex task for any society emerging from conflict. Amule from the South Sudan Law Society acknowledges that the road to attaining transitional justice is muddled with numerous setbacks. These uncertainties make it all the more important for South Sudan to develop a carefully considered transitional justice plan that identifies

priorities and sequences activities in a manner that sustains and builds momentum over time. Most importantly, transitional justice interventions must be tailored to the context and designed and implemented in a manner that is meaningful to the people it is intended to serve. Making transitional justice meaningful to the people is what civil society organisations in South Sudan are trying to do.



**Women's  
International  
Peace Centre**  
Amplifying Women's Voice and Power

ISSN: 2788-4368

© Women's International Peace Centre June 2022

All Rights Reserved