

Workbook 6

# Institutional Reform for Guarding Peace



TRANSITIONAL JUSTICE  
ASIA NETWORK



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**Workbook 6**

# **Institutional Reform for Guarding Peace**

**Asia Justice and Rights**

## **Transitional Justice and Peacebuilding Workbook Series**

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## **Transitional Justice and Peacebuilding Workbook Series**

1. **Transitional Justice and Peacebuilding**
2. **Strategizing for Justice and Peace**
3. **Truth-Telling to Sustain Peace**
4. **Prosecutions and Peacebuilding**
5. **Reparations to Strengthen Peace**
6. **Institutional Reform for Guarding Peace**
7. **Gender Justice and Peace**
8. **Emerging Approaches for Climate Justice and Indigenous rights for peace**

Each volume is written as an interactive companion workbook to the chapters in **Transitional Justice Handbook**

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## Introduction

Transitional justice and peacebuilding emerged as coherent disciplines along a similar timeline. Practitioners in each field gained experience working after periods of violent conflict, repression, and mass violations of human rights. Especially since the 1990s, ad hoc mechanisms and activities developed into more integrated and strategic approaches.

However, while transitional justice and peacebuilding often take place in the same context, they do not always work hand-in-hand. Tensions between the approaches, or a lack of joint planning, often prevent the two fields from working in complementary ways. Materials often target practitioners in one field or the other

A second gap in the literature concerns local action. Studies of peacebuilding often focus on the big picture. They examine strategies and actions by international entities, such as Security Council, peacekeeping missions, and UN agencies, and national actions and bodies such as peace agreements, constituent assemblies, parliaments, and special commissions. While these subjects are all important parts of peacebuilding, often the most profound and transformative actions are by individuals and families at the local level.

The same can be said for transitional justice, such as a victim-survivor learning to come to terms with her pain and loss, developing her agency, and living a full life within family and community. Change is experienced and consolidated at the local level, where everyday life is lived, even while national strategies provide critical frameworks.

These workbooks address both these challenges. First, they are designed for NGOs and civil society organisations that focus on transitional justice, while operating within peacebuilding contexts. Second, the workbooks encourage analysis and offer practical ideas and strategies for local action. Examples demonstrate that in the complex political, security and institutional settings created by conflict, meaningful local civil society action is not just possible, but essential.

## Purpose of This Workbook

The set of eight workbooks are designed as tools for individuals and small groups to reflect and analyse opportunities and challenges they face. Past experiences offer lessons on how peacebuilding and transitional justice approaches can complement each other.

Workbook Six explores the changes to institutions and culture required to safeguard human rights and peace. This introduction can help NGOs strategise and take practical action in the short, medium and long term. The workbook corresponds to the more detailed Chapter Six of the 2023 AJAR Handbook on Transitional Justice

## Learning Outcomes of This Workbook

- Increased understanding of the role of institutional reform and social transformation in both peacebuilding and transitional justice.
- Increased awareness of examples of NGOs contributing to institutional reform in peacebuilding contexts, and lessons from these real-life situations.
- Increased capacity to identify needs and opportunities for change, as a basis for a [strategic and practical approach].
- An introductory knowledge of the multi-stakeholder approach to designing institutional reform, including how NGOs can support victim-survivors to influence these processes
- Increased knowledge and ideas about how NGOs can advocate for and deliver reparations in peacebuilding contexts.
- Increased awareness of the need for practical steps to increase participation of women in reform and social transformation efforts at every level.



## Institutional reform and peacebuilding

Institutional reform is a process of reshaping state and social structures to provide functioning, non-partisan institutions. These reforms may include changes to the constitution, military, police, judiciary, parliament, education, and the media.

As one of the pillars of transitional justice, reforming or building these institutions is necessary in most societies emerging from periods of repression and violence, including conflicts. There may be new forms of citizen representation and government at the regional and local levels. New institutions may emerge to protect and promote human rights, such as commissions on human rights, women's rights, or children's rights. There may be official, if temporary, transitional justice institutions such as truth commissions or more permanent institutions to oversee implementation of their recommendations.

The fields of peacebuilding, and increasingly transitional justice, also recognise that lasting peace requires personal and social transformation, not just structural, legal and institution reform.

### What is the “guarantee of non-repetition” ?

A “guarantee of non-repetition” is the principle that states ensure that mass human rights violations never occur again. Such measures have generally focused on reforms to prevent abuse of power, such as among the military and police. In recent years, the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence has called for a broader understanding of reform to include interventions in society, culture, and the personal sphere. These efforts may include empowerment of civil society, education, and trauma counseling to bring about deeper transformation. This broader conception fits well with the long-term objectives of peacebuilding.

For example, preventing violence may require transforming systems of male dominance and a culture of using violence to resolve political differences. Long-held prejudices against minorities, such as people living with disabilities, Indigenous people and ethnic and religious minorities, and LGBTQI+ people, must be changed. This kind of transformation requires individuals, organisations, and communities to look within themselves as part of the slow, multi-layered work that must happen alongside institutional and legal changes.

The key role of NGOs and civil society in this process may include advocating for and monitoring implementation of reform measures, addressing root causes of conflict and human rights abuses, and fostering personal transformation, especially with victim-survivors.

See Chapter 6 of the AJAR Transitional Justice Handbook for more detail and examples.





## Worksheet 1: Political and Public Narrative on Past Violence

Is there an open discussion in your society about the factors that led to conflict and to human rights violations affecting groups of victim-survivors? Is this topic taboo or dangerous to raise?

What are some of the ways to open up and broaden this discussion?

### Lessons on Institutional Reform and Social Transformation During Peacebuilding Include:

- In post-conflict periods, debate about institutional reform often takes place in the context of intensified political divisions, making agreement more challenging.
- Powerful individuals and institutions from the conflict period can remain influential. Former leaders, military figures, or family members may try to sabotage reforms.
- Institutional reform is a long process. At the same time, an important window of support for reform often opens after the end of conflict and mass human right violations. International support may be at its highest. While NGOs should have a long-term strategy, they should also make the most of early opportunities.
- There are many strands of action within institutional reform. It is important for NGOs to develop a strategic approach in a crowded agenda. They need to identify priorities and opportunities, as well as effective partners, allies, and coalitions for advocacy.
- The same government agencies, international partners and donors, and NGOs are often involved in both peacebuilding and transitional justice. This overlap increases the need for a strategic vision, clear priorities, and effective partnerships.
- Women are often marginalised in debates about how to make institutional changes. It is critical for NGOs, the women's movement, and victim-survivors to be organised and supported during peacebuilding processes
- Changing personal and social attitudes that underpin much discrimination and violence is slow work that must be supported over the long term at all levels. If not addressed, these attitudes may lead to new cycles of violence, such as gender-based violence against women and girls or attacks based on ethnic or religious identity.

## Worksheet 2: Ongoing Threats from Institutions and Individuals

Are perpetrators, including political leaders responsible for mass violations, still in positions of power? Are there mechanisms to remove them?

Do the military, intelligence sector, and police present a threat to human rights? What are the main reasons, and what kinds of violence are most likely?

### Examples of Civil Society Contributions to Institutional Reform

#### ➤ Bangladesh

The Liberation War Museum was established after the 1971 war to educate the public about the conflict, its root causes, and the effect on victims. In addition to a world-class museum, education programs engaged more than 60,000 children in collecting the stories of their grandparents from this period.

#### ➤ Indonesia, 1998

Following the fall of President Soeharto, women's organisations and other NGOs led advocacy for the establishment of the National Commission on Violence Against Women (Komnas Perempuan). During the constitutional reform process, NGOs led demands for major revisions that reformed the role of the military, removed the police from the military, and removed the military's automatic seats in parliament.

#### ➤ Timor-Leste

During the initial transitional period of 1999-2002, the Timorese women's movement influenced the drafting of the new nation's constitution, resulting in significant legal guarantees of gender equality. Women's rights NGOs played a key role. In 2009, NGOs gathered evidence to support advocacy for change in laws and policies, such as new laws to bring domestic violence under public criminal law and to set the stage for a new government approach to gender-based violence. And in 2015, transitional justice NGOs drew on the truth commission report to work with the Ministry of Education to revise human rights and history curricula.

#### ➤ Nepal, 2006

NGOs became more inclusive during the mass people's movement, supporting and making alliances with marginalised groups once excluded from the mainstream human rights community (see below).

#### ➤ Cambodia, 2007

The Documentation Centre of Cambodia (DC-Cam) produced the first accessible educational tool to objectively deal with the country's painful history, A History of Democratic Kampuchea (1975-1979) was accompanied by teaching materials and student workbooks. In collaboration with the Department of Education and donors, DC-Cam produced 500,000 copies of the book and trained 3,000 teachers.

Worksheet 3: Champions	Their Areas of Interest in Reform	Ways You Can Work Together
Champions in national government		
Champions at the local level, especially woman leaders		

#### Worksheet 4: Areas of Institutional Reform

Think about how institutions have contributed to the conflict and human rights violations, and how they have been affected by it. Did important institutions play a role in the conflict, benefit from it, or look the other way? Were some institutions especially weakened by the conflict or by repression?

Area of Reform	What is Civil Society Doing?
The Constitution	
Political Representation, including any new regional and local bodies	
Judicial Sector	
Legial Sector	
Demobilisation, disarmament and reintegration of former combatants	
Security sector, including civilian oversight and removal from politics or economy.	
Lustration and vetting, to bar perpetrators from holding official positions	
Establishing new human rights institutions	
Education Sector	

Media	
Business, including natural resource extraction	
Gender justice	

**Are there gaps that no one is focusing on? How can you make sure people working for change in related areas talk to each other?**

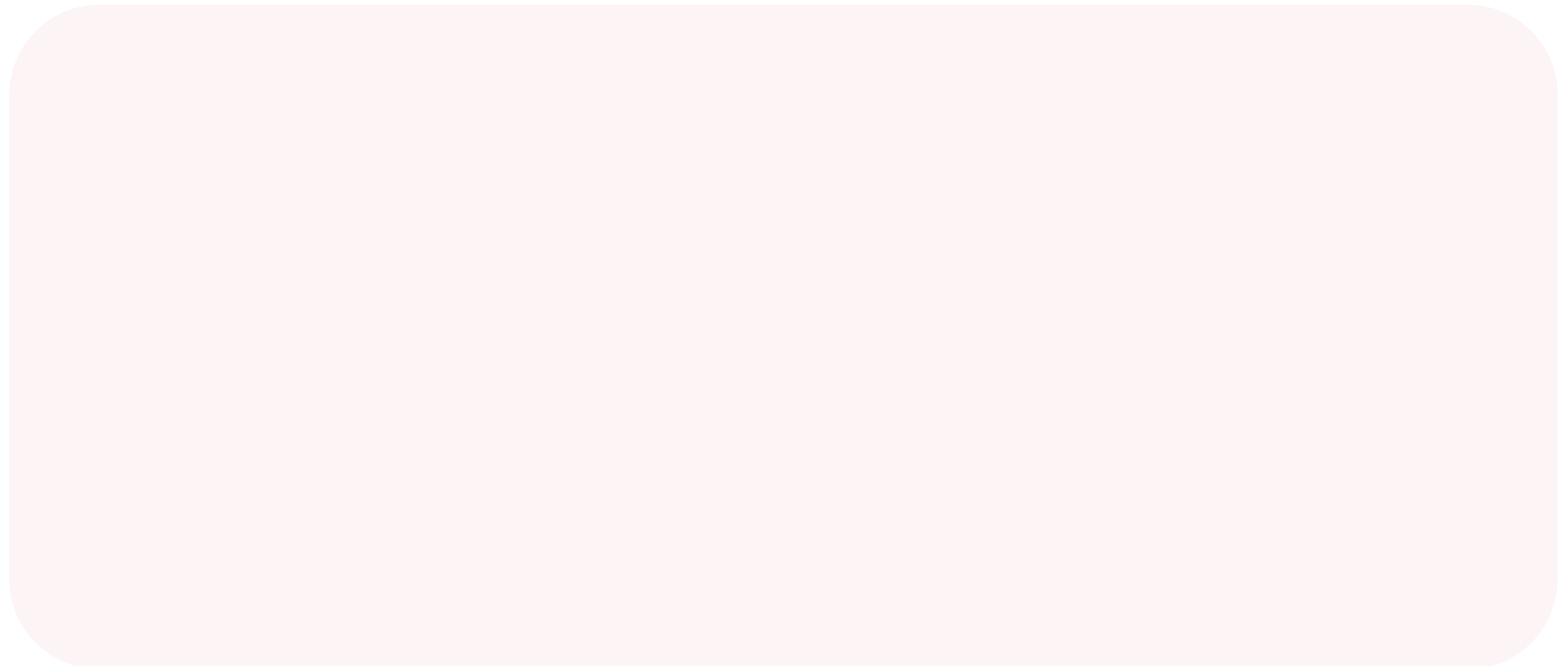
### **Multi-stakeholder process of reform and the role of civil society**

A multi-stakeholder approach incorporates an array of actors in the design and implementation of reforms. Transitional justice NGOs and civil society can participate in multi-stakeholder processes and serve as a bridge to victim-survivors and communities.

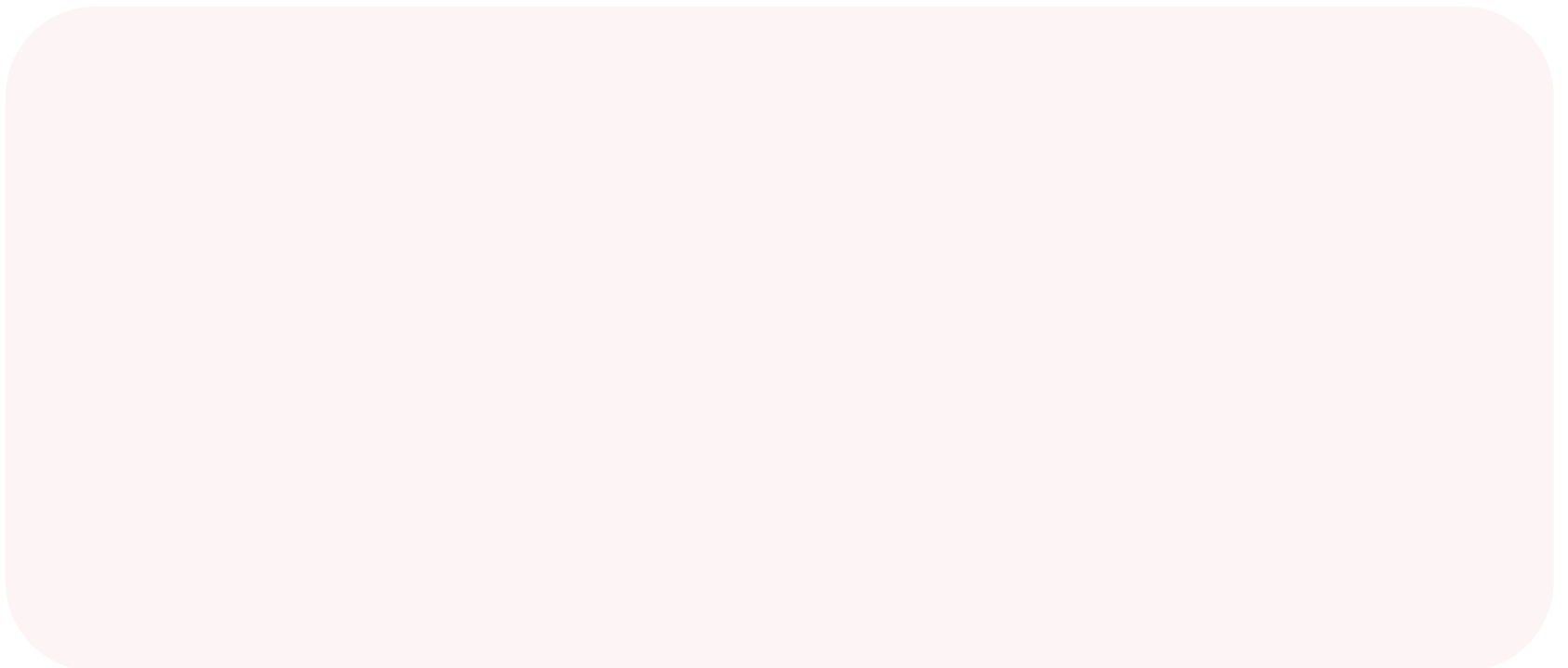
Justice-sensitive reform advances the participation of victims and members of marginalised groups, including women, in all institutions. Representation of marginalised groups, particularly as staff, benefits a transitioning society and the longer term peacebuilding agenda.

## Worksheet 5: The voice of victims and civil society for change

How well do victim-survivors and NGOs prioritize reforms to ensure conflict and human rights violations do not repeat? What support do they need to strategise for action?

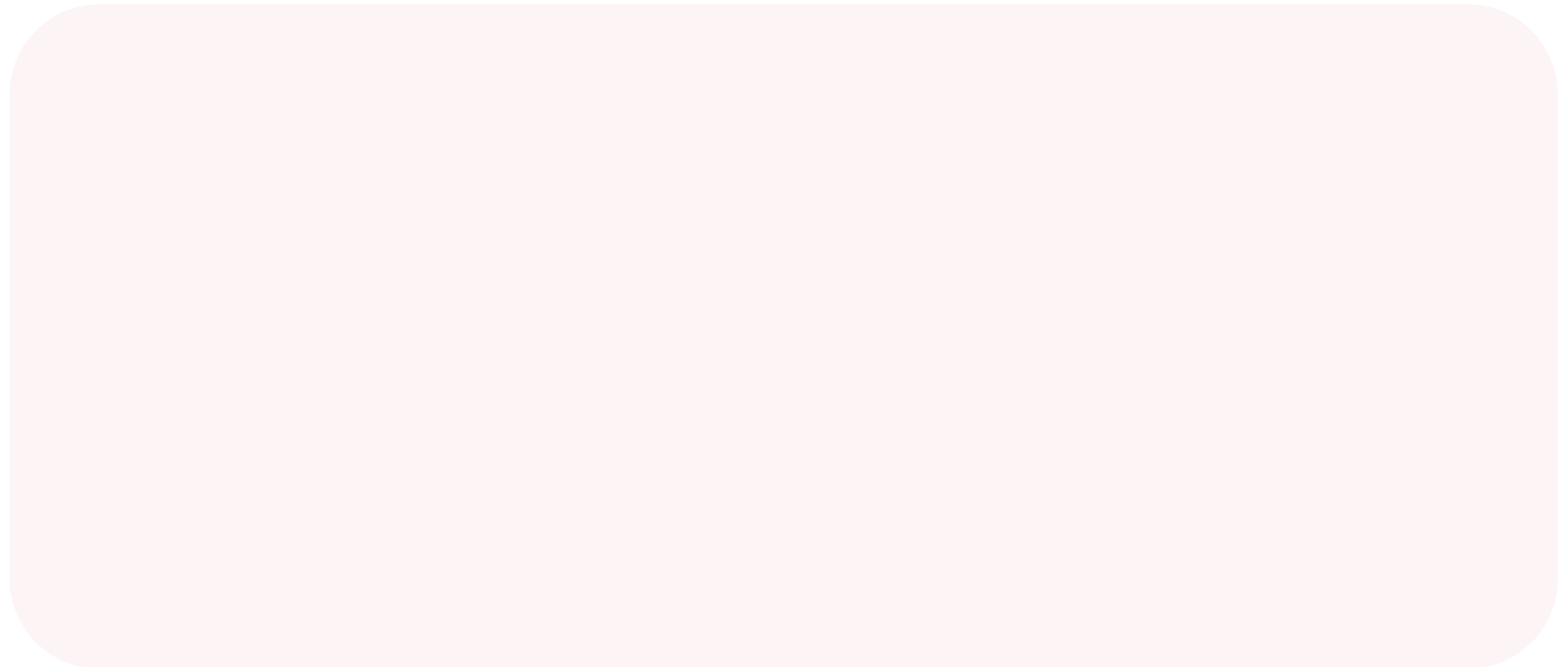


How well are women and girls, Indigenous people, rural communities, LGBTQI+ people and other marginalized groups represented in the conversation about institutional reform?

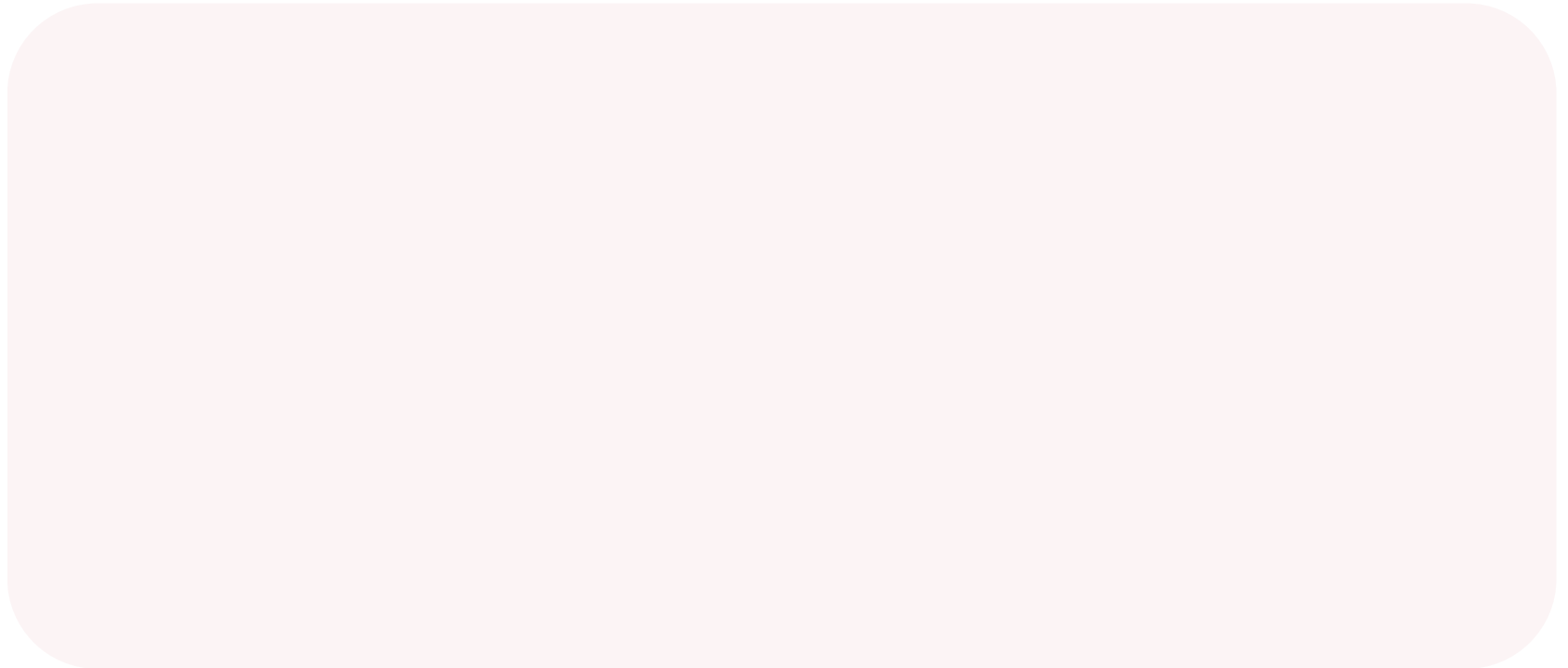


## Worksheet 6: Gender equality and institutional reform

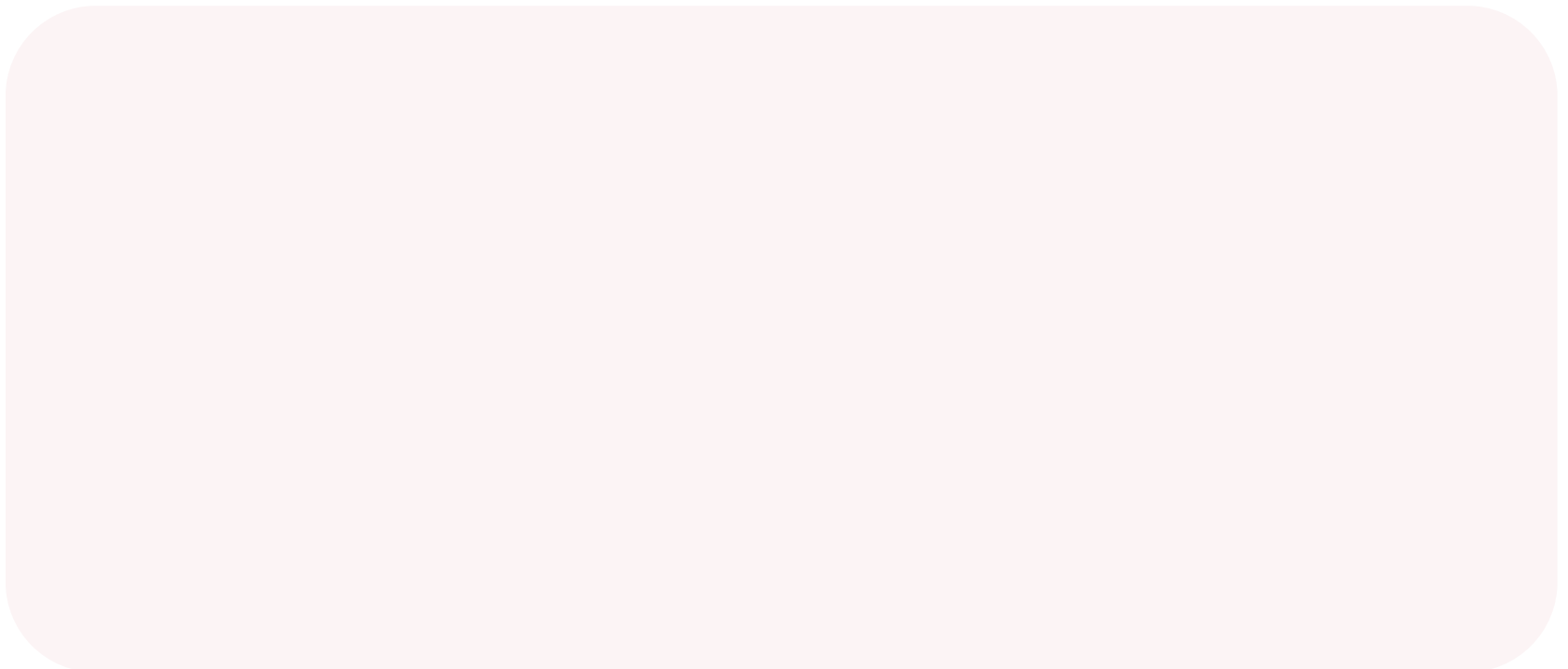
How much does discrimination against women and girls pose a major obstacle to equal rights?



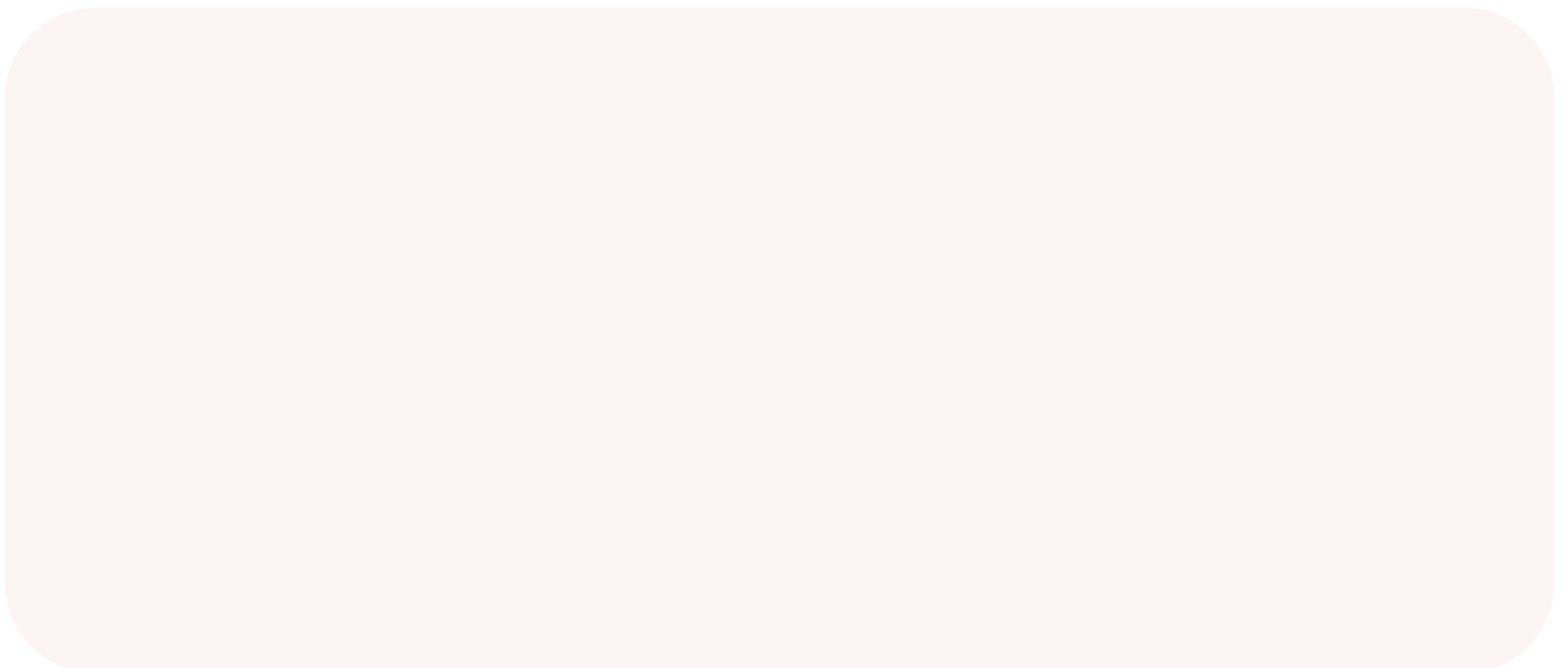
**Is gender-based violence an ongoing problem in the community?**



**What laws or government programs are addressing gender-based discrimination and violence?**



**What is civil society doing for gender equality reform? What are three priorities for NGO action over the next three years?**



## **Case Study: Constitutional reform to enshrine a more inclusive society in Nepal**

The People's Movement (Jana Andolan II) of January 2006 helped bring Nepal's ten-year civil war to a close. Negotiations between Maoist insurgents and political parties led to agreements and the end of 237 years as a Hindu monarchy. A painstaking process produced a new constitution and other major changes related to rights and social inclusion.

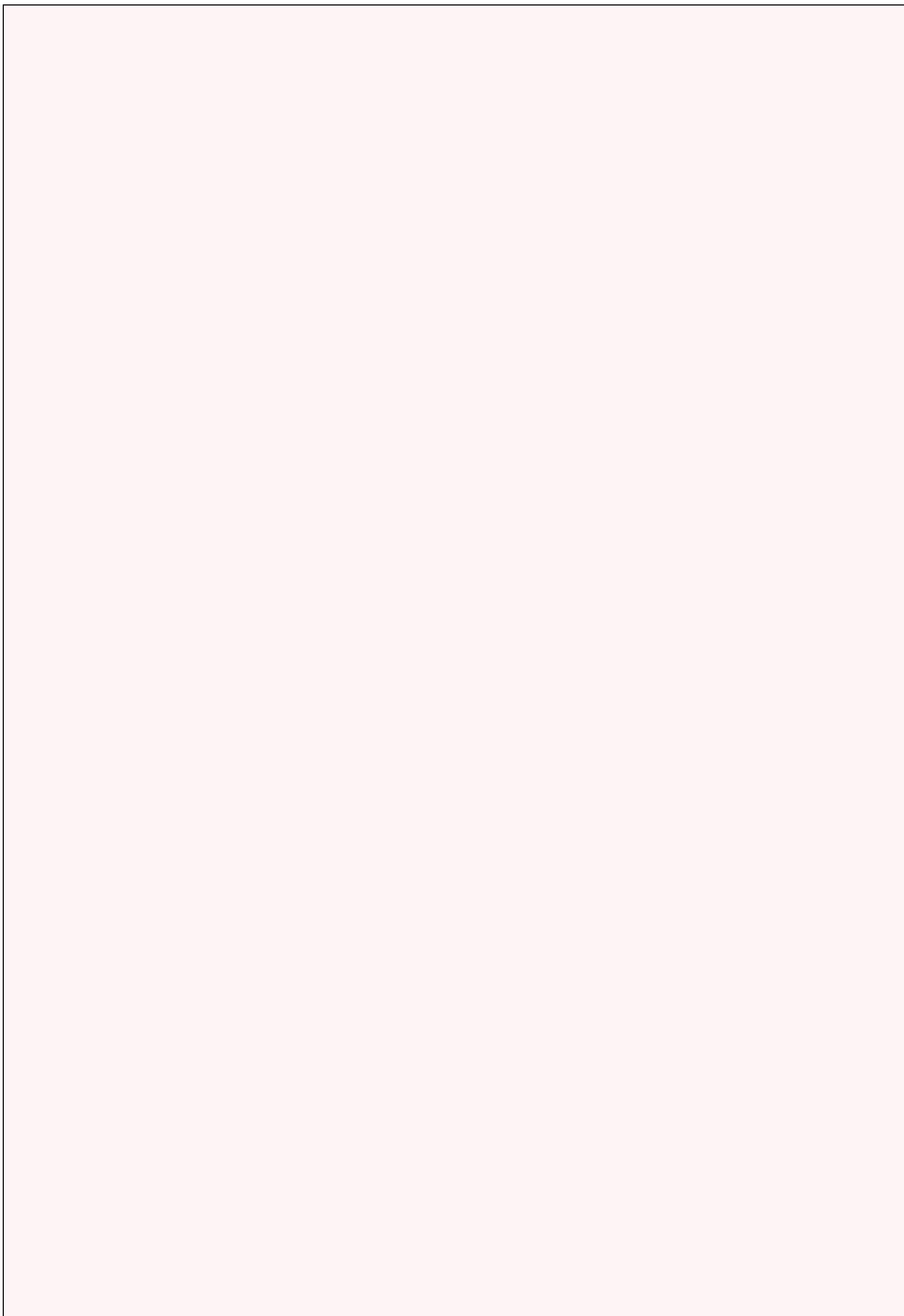
But these changes only came after the rolling demonstrations, action, and advocacy that continued even after the success of the People's Movement. Many minority groups pushed for greater inclusion and change, including Indigenous communities, "lower" castes, the people of the lowland Terai, and the national women's movement.

LGBTQI+ activists were also unusually successful, ensuring representation in the Constituent Assembly tasked with drafting the new constitution. Sunil Babu Pant directed the Blue Diamond Society, a human rights and sexual health NGO established in the conflict years. He became the first openly gay member of the constituent assembly and of parliament. One important structural reform was the recognition of a "third gender" on state identity cards, an essential step toward respecting the rights of transgender Nepalis. (See Resources below for further reading).

Despite these profound structural changes, victim-survivors and human rights activists are deeply disappointed with ineffectual mechanisms for transitional justice. They have failed to address accountability, uncover the truth of past violations, or provide adequate recognition and reparations.

**Worksheet 4: Your experience of and vision for institutional reform**

*Write your case study of NGO actions for institutional reform and social transformation*





## Workbook Six Resources

### Background reading

AJAR Transitional Justice Handbook, Chapter 3

<https://asia-ajar.org/resources/books-research/transitional-justice-handbook/>

UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, on institutional reform and broader personal, societal and cultural transformation including the role of NGOs and civil society.

Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, A/HRC/30/42, 7 September 2015: <https://www.ohchr.org/Documents/Issues/Truth/A-HRC-30-42.pdf>

### Examples of NGOs and civil society contributing to institutional reform and the “guarantee of non-repetition”

Bangladesh, The Liberation War Museum

<https://www.liberationwarmuseumbd.org/>

Cambodia 2007: The Documentation Centre of Cambodia (DC-Cam), and its groundbreaking educational tools about the country’s painful past.

<https://www.dccam.org/homepage/education/>

Indonesia 1998. Establishment of the permanent National Commission on Violence Against Women (Komnas Perempuan).

<https://en.komnasperempuan.go.id/about-profile-komnas-perempuan>

Nepal 2006. See for example, “How Nepal’s Constitution Got Queered.” Kyle Knight, Senior Researcher, Lesbian, Gay, Bisexual, and Transgender Rights Program. Human Rights Watch 14 October 2015.

<https://www.hrw.org/news/2015/10/14/how-nepals-constitution-got-queered>

Timor-Leste 1999-2002. See The Women’s Movement in Timor-Leste and Potential for Social Change. Sarah Niner and Hannah Loney. Published online by Cambridge University Press, 13 June 2019.

<https://www.cambridge.org/core/journals/politics-and-gender/article/abs/womens-movement-in-timorleste-and-potential-for-social-change/32F60D519A349FFEA0B97CEE7F90312F>

Timor-Leste 2009. On NGO advocacy work for new domestic violence laws, see NGO ALTERNATIVE REPORT: Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) In Timor-Leste. March 2009.

[https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NGO\\_alternaitve\\_report\\_TimorLeste\\_CEDAW44.pdf](https://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NGO_alternaitve_report_TimorLeste_CEDAW44.pdf)