

BARAZA JUSTICE

A CASE STUDY OF COMMUNITY-LED CONFLICT RESOLUTION IN D.R. CONGO



INTRODUCTION

This paper summarises a full-length study of the Baraza peace courts,* a community-led conflict resolution project carried out by a Congolese NGO, Foundation Chirezi (FOCHI). The programme was conceived and designed by FOCIH, a local organisation working closely with local communities, that is currently funded by the Allen and Overy Foundation via British NGO Peace Direct.

Findings indicate that the Barazas are providing fair, accessible and non-punitive justice, and successfully resolving small-scale conflicts before they turn violent. The Barazas have increased trust and collaboration among community members, including youth and ex-combatants. FOCIH has also facilitated the creation of all-female courts, which have increased female empowerment - one of the most unexpected and significant results of the project.

Preliminary evaluation data suggests that this approach may be significantly more effective than national justice mechanisms. In order to maximise the impact of the Barazas, however, a better combination of local, national and international resources is needed. Funding for this very cost-effective project needs to be increased, which would allow it to cover the entire South Kivu territory, create a peace network, share information with other communities and provide further training.

1. BACKGROUND

Since the outbreak of violence in 1998, Eastern Democratic Republic of the Congo (DRC) has been caught up in a cycle of conflict and around 5.5 million people are estimated to have been killed. It is a region extremely rich in mineral resources, but this wealth has failed to trickle down to the local population. Most of the population live on less than \$2 per day.

For the many people living in poverty in rural villages, national justice mechanisms are often not effective and pose many problems, not least concerning costs, accessibility and time. Corruption and impunity are widespread: a legal conflict would most often be judged in favour of whoever had made the highest payment to local players.

In order to offer an alternative to this, in 2010 FOCIH established nine Baraza peace courts. The Barazas successfully resolve small-scale conflicts before they become violent, within a fast-paced timeframe that does not ask for money.

FOCHI, a small Congolese NGO founded in 2002, has been working with Peace Direct on the Baraza project since 2010. It currently operates in the territories of Uvira, Fizi and Walungu, across the Province of South Kivu. Apart from providing conflict resolution, FOCIH works to: better the lives of child orphans of war and ex-child soldiers; assist in the healing process of women victims of sexual violence; and initiate community projects.



Baraza peace court in action

2. BARAZAS: WHAT THEY ARE AND HOW THEY WORK

'Baraza' is a Swahili word meaning 'gathering' and suggests an open approach, based on participatory processes of dialogue, mediation and reconciliation. The Barazas are made up of community members democratically elected. Traditional wisdom is relied upon initially, but once principal roles have been established, FOCIH staff provide bi-annual training in mediation and conflict resolution skills.

FOCHI has developed an innovative approach to integrating women into the Baraza process. Once a mixed-gender peace court has been established and is accepted

* Poole A (2014), *Baraza Justice*, Peace Direct, London, available as a downloadable PDF at www.peacedirect.org.

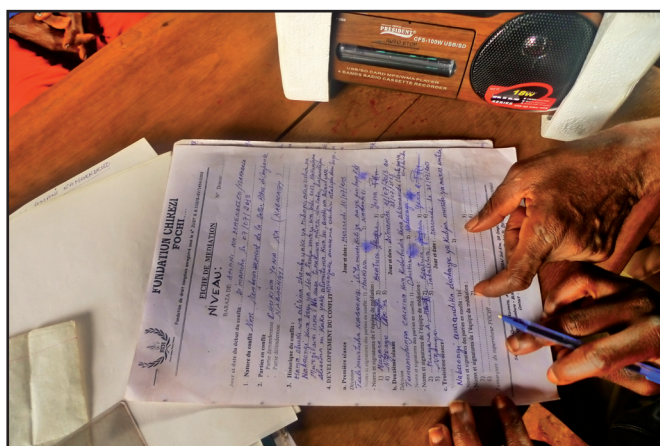
in the community, FOCHI facilitates the creation of an all-female court. It is here that women's issues felt to be private, such as marital rape and sexual violence, can be discussed openly without a male presence.

The Baraza project does not claim to be equipped to address all cases, nor to take the place of national justice institutions. Its focus is on addressing conflicts that arise from land rights, accusations of sorcery, robbery, rape, injury of person/property, domestic violence, public insult, intimidation/aggression, adultery, breach of trust, and the spreading of rumours.

In all cases, attempts are made to find solutions to resolving the conflicts in a non-violent manner. Decisions can include private or public apology, work or payment. Conflicts which could result in harsh punishment, igniting a cycle of violence, are instead used as a chance to promote peaceful collaboration between hostile parties.

3. IMPACT

The case study draws on an external evaluation, conducted by independent researcher Alana Poole. It is based on FOCHI's theory of change, which depends



Signed and fingerprinted Baraza mediation sheet

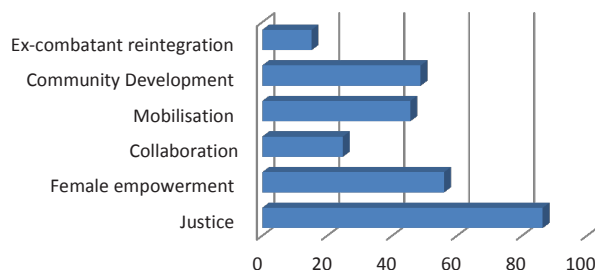
on the initial assumption that Barazas lead to a reduction in conflict and violence – a prerequisite for the collaboration and community mobilisation associated with sustainable peace:

Barazas > conflict reduction > greater collaboration
> community mobilisation > sustainable peace

In keeping with Peace Direct's ethos to be genuinely locally-led, the project was evaluated using the 'Most Significant Change' model (MSC). MSC is a form of participatory M&E, based on the collection of stories, that enables communities to identify the indicators themselves, as well as capture unexpected changes.

This is the first evaluation of this model, and more will be learnt in time. But these initial findings are impressive and indicate an extremely cost-effective approach that has benefitted the lives of over 15,000 people, through nine peace courts at a cost of \$2,000 per peace

MSC overall domains of change



court to set up. The Barazas peace courts are:

- Successfully resolving conflicts and reducing violence.
- Increasing collaboration between men and women, between civilians and ex-combatants, and between communities and the authorities, as well as mobilising youth.
- Leading to female empowerment.

3.1 FAIRER JUSTICE AND CONFLICT REDUCTION

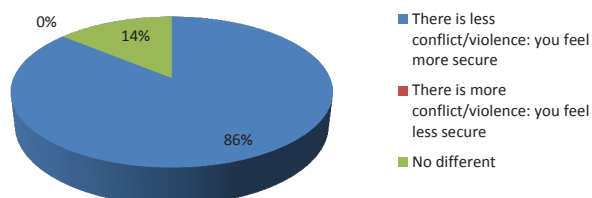
“When one is incapable of finding the necessary financial means for going to see the police or a village chief, one would resort to violence. But with the Baraza, the violence has diminished” (Amisa, Sange, July 2013).

Communities have identified ‘successful justice’ as one of the most significant changes to result from the project. The success rate of the Barazas in resolving conflict is surprisingly high, whilst also still managing to address a wide range of conflicts. Over the last three years, the Barazas have successfully resolved over 1,500 cases, directly benefitting over 3,000 people and indirectly affecting 15,000 more.

Of high importance to the communities was the fact that they did not have to spend any money to receive justice, and that money no longer influenced the outcome of the process. Also important to the communities was the speed of resolution (2-3 weeks), and the fact that successful justice had replaced corruption.

Previously, community members were forced to take issues of conflict into their own hands, which often meant resorting to violence. Respondents consistently stated that, although conflict had not stopped and that they still felt insecure, people now actively choose to resist violence and instead seek out Baraza advice and help for peaceful resolutions.

Responses to the question 'has the Baraza impacted security?'



3.2 COLLABORATION AND MOBILISATION

“Now I work with the ex-combatants of other groups who were my enemies. I thought that in my life, I would never again find myself together and sharing with someone that I had fought in the bush” (Mulume, Kiliba, July 2013).

Findings indicate that Barazas have increased collaboration - not only within the communities themselves, but also between the communities, local leaders and authorities, and the communities and local ex-combatants. Of the 125 stories collected, 25% cited increased collaboration as a significant change.

The Barazas recognised the need to include ex-combatants, since they are a high-risk group. They were included in the peace court panels, where acceptable to the community, and the Barazas helped FOCHI to identify ex-combatants for livelihood support.

Also commonly cited was the increased collaboration between communities and local authorities, although this still remains relatively low.

It is not just individuals who have gained, but the community at large. A result of increased collaboration has been a new confidence and empowerment, with an impulse for mobilisation and action. There are currently 526 participants involved in community development projects (such as road and bridge rehabilitation, brick making, and electricity improvements), including 230 youth, 216 women and 75 ex-combatants.

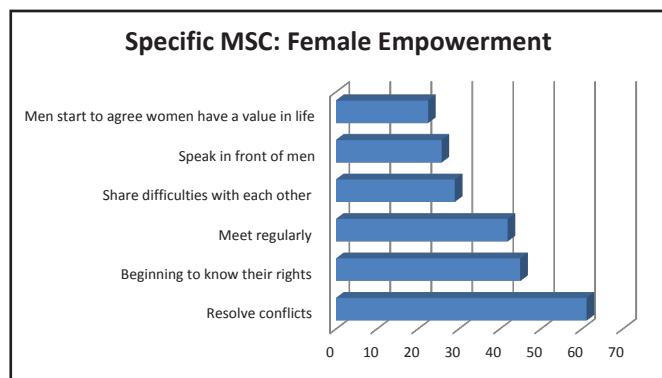
Notably, mobilisation most engaged youth. Given that youth are a high risk group for engaging in violence and joining militia, strategies to further harness this mobilisation should be explored when scaling up.



Men and women collaborating in the Baraza at Makobola

With more than 50% of respondents citing female empowerment as a noticeable change, this is perhaps the greatest contribution to development that the Barazas have made, second only to the successful provision of justice. The confidence gained from meeting regularly and being introduced to their rights by FOCHI, has given women a new sense of self-worth that had been absent beforehand.

Women now know how to mobilise themselves for community development projects; they have a money-saving system so that they can help each other out in times of need; and they no longer think earning money is only for men. They also want to be seen as an example of what it is possible for women to do, and to encourage women from other non-Baraza communities to do the same. These changes demonstrate the extent to which the Barazas have impacted upon their lives and facilitated a new sense of empowerment and independence.



4. FEMALE EMPOWERMENT

“If we had a household conflict between a woman and her husband, the women were ashamed to expose their problems in front of other men.... Now we have a Baraza for women where they can go directly and ask for advice, and the Baraza women work together for ways in which the husband can no longer drive out his wife” (Vicky, Makobola, August 2013).

5. SCALING UP

Peace Direct is currently in the process of increasing the Barazas by an additional five courts, taking the total number of Barazas from nine to 14, with female courts integrated into all of them. FOCHI’s ultimate goal is to cover all seven territories across South Kivu, with 25 Barazas per territory, totalling 175 Barazas.

Other possibilities for increasing impact include:

- **Radio Clubs:** interactive broadcasts between communities can be used to promote self-help initiatives, such as the Barazas, on a wider scale. They allow communities far away from each other to actively engage with and learn from each other.
- **Peace network:** Connecting the Barazas in a peace network can facilitate the passing of information as a warning for impending conflict (conflict prevention), or as advice and support once conflict is underway (conflict resolution).
- **Collective impact:** when looking at organisations in isolation, their work may seem small-scale, but when combined all together there is an impressive geographical coverage. Efforts should be made to aggregate evaluations across these different organisations and initiatives.

- **Increasing funds:** The Barazas can address conflicts before they escalate, creating an environment less conducive to violence. Increasing resources to similar local initiatives can help prevent conflict, reducing the costs of responding to violence once it has emerged.

6. KEY RECOMMENDATIONS

Preliminary evaluation data suggests that this approach may be significantly more effective than national justice mechanisms, and that a better combination of local, national and international resources is needed to meet the need for justice at different levels in DRC.

In order to scale up the Barazas and increase their impact, these recommendations should be followed:

1. It is important to find a way to increase the involvement of local authorities. More formal acknowledgement and involvement of the Barazas by nationally-recognised justice institutions would increase their legitimacy.
2. To maximise accountability for more complex cases, the Baraza mediation committees should be trained in some basic knowledge of national constitutional law.
3. The development of a list of guiding principles for the Baraza would establish consistency and common structures between them.
4. Radio networks could be used to share experiences and knowledge across a wider geographical area, to rural villages where travel is difficult, thus reaching out to non-Baraza villages.
5. Aggregating evaluations with other organisations supporting peace courts could show collective impact and promote more widely the importance of what is inevitably a grassroots activity.
6. Resources for these very cost-effective initiatives need to be increased: an estimated \$500,000 per year could expand the model to cover the entire South Kivu territory.



Baraza at Kigongo

7. Conflict resolution and justice should be seen as an opportunity to further the development of entire communities, including the embedding of local peacebuilding mechanisms.
8. This work should continue to be evaluated, adding a comparative analysis with communities where FOCHI has not worked and using other M&E tools to identify what has not changed.

7. NEXT STEPS

This case study has sought to demonstrate the advantages of community-led conflict resolution across rural villages in South Kivu, and provide evidence that the involvement of local organisations can make a contribution to reducing levels of community violence.

It is clear, however, that issues of justice in DRC are complex and require concerted efforts by agencies at various levels, both national and international. What is needed now is greater effort by donors and the government to look at more innovative and inclusive ways of implementing approaches to justice, especially in rural environments.

We invite interested parties to share ideas and discuss the project with us. The full case study 'Baraza Justice' can be downloaded from our website at www.peacedirect.org. We can be contacted at info@peacedirect.org.

PEACE DIRECT is an NGO that supports locally led peacebuilding in conflict zones worldwide. We find and fund effective local peacebuilders, and promote their work to those with influence and funds. Our work can be seen at www.peacedirect.org.

We also run the Insight on Conflict website, which lists hundreds of local peacebuilding organisations worldwide, provides a monthly newsletter on latest research in this field, and publishes a blog by respected practitioners and commentators on local peacebuilding. It can be accessed at www.insightonconflict.org.

For more information on FOCHI, visit the Peace Direct website, where you can also download a pdf of the full report 'Baraza Justice'.