

BARAZA JUSTICE

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



An independent evaluation by Alana Poole

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1: FOREWORD*

Peace Direct has worked with Fondation Chirezi (FOCHI) in DR Congo since 2010. In that time we have seen FOCIH's work develop and reach an increasing number of people. In particular, its model of peace courts has seemed particularly effective and well received by the community, integrating a unique all-female court structure. As the project developed, FOCIH introduced logbooks which enabled a snapshot of what happened in the courts, but did not tell us what was happening beyond them. If cases were resolved in the court, did this mean there was less conflict outside or was it just firefighting an endless cycle of new conflicts? If the Baraza had not been there, would the situation have been any different? In an environment where surveys, data collection and even adult literacy are rare, how could we look beyond this snapshot? Even more challenging was FOCIH's theory of change which encompassed not just what happens in the court but a wider impact on the community:

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

In keeping with Peace Direct's ethos to be genuinely locally-led, we also wanted to find an evaluation approach that would enable communities to identify the indicators themselves as well as capture unexpected changes. We decided, therefore, to use the 'most significant change' model (MSC). A further challenge was a very limited budget: this evaluation cost only £1,000 to implement, thanks to the dedication of a very committed researcher, Alana Poole, who was willing to conduct a long study on a shoestring. There is, of course, more we would like to do and this research is the first part of an ongoing evaluation. However, given the importance and growing attention on justice and gender based violence in DRC, we felt we should share these findings now: although not conclusive, they provide an indication of what can be achieved from FOCIH's model, which we believe will be of interest to others and can usefully contribute to the current debate on how to respond to devastatingly high levels of violence in the Kivu provinces of DRC.

* *By Tom Gillhespy, Head of Africa Programmes, Peace Direct*

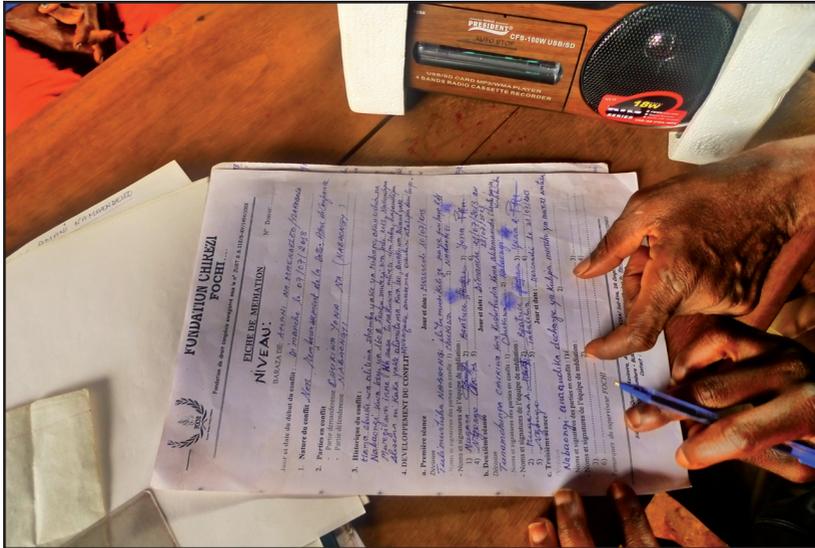
The use of peace courts in peacebuilding is not new and can be found in some form in many peacebuilding projects around the world, but it is often difficult to show the scale of its impact. What this evaluation shows is that peace courts are an important entry point for the international community, creating ‘islands of peace’ from which other peacebuilding activities can develop.

Although the concept of peace courts is not new, FOCHI has developed an innovative approach to integrating women into the process. By first establishing a mixed-gender peace court supported by influential men, FOCHI then creates an all-female peace court to encourage women to bring cases of sexual and domestic violence. The impact has been significant, with over 50% of respondents involved in the evaluation citing female empowerment as a most significant change.

Also noteworthy is the speed with which the Barazas have influenced attitudinal and behavioural change in the community. In a country which has suffered – and continues to suffer – the most atrocious violence, undoing the culture of violence is a huge challenge, yet there are clear findings that this is being achieved.

In effect, what we see from this evaluation is a microcosm of peacebuilding processes – from violent conflict to prevention, and from early recovery to development, as communities contain violence and reduce conflict – through which they are able to mobilise themselves to lead their own development. As every community has different complexities, this genuine local leadership is required for the very nuanced responses needed, and this project shows how a common entry point can enable such leadership.

Lessons can be learned from this very cost effective and sustainable model, for other countries that suffer similar levels of violence. The ability to rebuild the fabric of society (which this evaluation indicates is possible) is an extremely important achievement as a key foundation for sustainable peace: and by building resilience to violence, communities are better able to transcend periods of instability – a critical step along the fragile route to lasting peace.



2. SUMMARY

This case study describes a community-led conflict resolution project carried out by a Congolese NGO, Fondation Chirezi (FOCHI) in South Kivu, eastern Democratic Republic of Congo (DRC), from 2010-2013. This programme was ‘locally-led’ – in other words, conceived of and designed by FOCHI – and is currently funded by the Allen and Overy Foundation, via the British NGO Peace Direct. 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.¹

1. This study does not carry out a systematic comparison of national justice mechanisms. But the extensive body of literature, policy papers, international and national reports, critical of their failure to provide adequate justice across DRC, are used as a basis for this claim, and serve as the framework within which Peace Direct, FOCHI and the Barazas operate in their attempts at providing a successful alternative to this. Critical examples include: Amnesty International 2011; Enough Project 2012; Initiative for Peacebuilding et al. 2009; International Bar Association 2009; Open Society Foundation 2013; UNOHCHR 2010.

This case study draws on an external evaluation, conducted by an independent researcher.² The research was conducted on a shoestring and does not claim to be conclusive. More research is needed and this is just the first stage of an evaluation of a pilot project. However, the findings indicate that the Baraza peace courts and their all-female components are providing local, accessible and fair justice in the communities. In turn, this has had a positive impact upon the community by reducing violence and increasing collaboration, trust and self-empowerment; not only within the communities themselves, but also between the communities, local leaders and authorities, and the communities and local ex-rebel fighters. As the debate around gender based violence increases, it is hoped these initial findings can usefully inform that debate and shed some light on the importance of complementary approaches that engage local communities.

The recommendations for next steps are as follows:

1. In order to scale up the Barazas and increase their impact significantly, it is important to find a way to increase the involvement of local authorities.
2. To maximise accountability for more complex cases, the Baraza mediation committees should be trained in some basic knowledge of national constitutional law.
3. Development of a list of guiding principles for Barazas would establish consistency and common structures between them.
4. Radio networks (clubs) 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.
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 compara-

2. The external evaluation was carried out by Alana Poole, independent researcher.

tive analysis with communities where FOCHI has not worked³ and using other M&E tools to complement the approach used here. In particular, tools should be used which identify what has not changed, as the MSC approach tends to focus on what has changed and can give an overly positive view of a project.

3. CONTEXT

Eastern Democratic Republic of the Congo (DRC) is, paradoxically, an area of great wealth (Amnesty International 2003)⁴ and great poverty,⁵ caught up in a cycle of conflict since 1998 that has enriched armed militias and neighbouring countries,⁶ while reawakening old local conflicts and impoverishing its people. Sometimes called the first ‘African World War’ (waMussangu 2004), because of its death toll (estimated at 5.5 million) and the extent of international involvement, the conflict has effectively become self-sustaining as armed groups have supported their activities by exploiting the region’s natural resources and wealth (UNSC 2002).⁷

3. FOCHI has been approached by communities that have heard of the Barazas, requesting that FOCHI sets one up in their community; this would suggest that a comparable analysis would find the Barazas have added value.

4. The eastern regions of DRC are rich in gold, diamonds, coltan, cassiterite, copper, cobalt, wolfram, zinc and oil, as well as timber, coffee and palm oil.

5. Rural villages lack electricity, reliable water supplies, public services, communications networks and good roads, and have only skeletal local government structures and services. Even cities like Uvira face major challenges for water and power.

6. ‘Rwanda and Uganda, in alliance with Congolese armed political groups, have systematically plundered the region on a vast scale, justifying their military intervention and control of the area by the threat to their own security from the activities of Rwandese and Ugandan insurgent groups operating from within DRC. The ambition of all these combatant forces to exploit eastern DRC’s mineral and economic wealth has been the biggest single factor in the continuing violence. The major beneficiaries have been senior members of the Ugandan and Rwandese armed forces, foreign businesses and leaders of armed political groups. ... These economic interests have led to the emergence of a pattern of violence by all forces in the region that is aimed primarily at Congolese civilian communities and is predatory in nature.’ (Amnesty International 2003:9).

7. This report suggested the Rwandan army through Rwanda Metals netted at least

Issues of justice within a context so greatly influenced and affected by these many different interests are thus extremely complex. International opinion has criticised the apparent consistent impunity afforded to members of government forces, foreign and national armed groups and armies in the face of civilian-targeted flagrant violations of international humanitarian and human rights law; these have included murder, rape and other forms of sexual violence, forced displacement, recruitment of child soldiers and forced labour (UNOHCHR 2004).

There are a number of local, national and international organisations working in eastern DRC on issues of justice that are attempting to address these concerns. International institutions such as the International Criminal Court (ICC) have issued indictments against various Congolese leaders, military and rebel figures for alleged war crimes, to varying degrees of success (ICC: DRC). Larger national organisations such as the DRC branch of the International Centre for Transitional Justice (ICTJ) work to provide technical assistance to government and civil society institutions across the country, in order to advance an informed national debate on transitional justice and to implement specific accountability measures; areas of focus include criminal prosecutions, truth-seeking and memorialisation, reparations, gender justice and institutional reform (ICTJ: DRC).

At a local level, and largely because the judicial system in DRC is arguably underdeveloped and provides little or no government authority in the east, there has been a new wave of mobilisation to ensure that more than the current few perpetrators of crimes are brought to justice. One relatively recent initiative has been the establishment of various mobile courts, which have operated in remote villages such as Walungu in South Kivu since 2008, backed by local and international organisations. One such programme has been between the Open Society Justice Initiative (OSJI) and the Open Society Initiative for Southern Africa (OSISA), supporting the creation of mobile gender courts and backed by organisations such as the American Bar Association (ABA), the United Nations Development Programme (UNDP) and Lawyers Without Borders (ASF) (Open Society Foundations 2013). Although the mobile courts programme has a strong focus on crimes

\$250 million from coltan exports from eastern DRC when production increased in 1999–2000. This income sustained the Rwandan army's presence in DRC, providing protection and security for individuals and companies extracting coltan. The report also stated that Ugandan and Burundian rebels looted and smuggled coltan, using illegal monopolies, forced labour, prisoners and murder (UNSC 2002).

involving sexual violence, it also covers other offences and includes civilian and military courts. As the courts and associated institutions such as prisons and police are staffed by Congolese nationals, this has given the process local ownership and it has been broadly welcomed by local communities in South Kivu, as well as by international experts on justice (Institute for War and Peace Reporting 2013).

The rural territories of Walungu and Fizi in South Kivu are also areas of operation for small NGOs such as the Uvira-based Christian Union for Progress and the Protection of Human Rights (UCPDHO), whose current project focus is similarly upon supporting mobile courts in places without judicial institutions, which can adequately address the human rights violations of the military and police (UCPDHO). The aim is to enforce public hearings within the environment where the crimes occurred and where the perpetrators and victims still live, as the distance required to travel to the justice institutions of Uvira is too great, deterring victims and affording impunity to perpetrators (this point will be further examined in section 4b). In order to do this, the programme hopes to move the Military Garrison court of Uvira to these rural locations.

Although these local approaches to providing justice across rural South Kivu are offering an alternative to the usual lack of accessibility, a 2012 report on local justice mechanisms in the Kivus unearthed a great number of weaknesses nonetheless (Douma and Hilhorst 2012). These included the ways in which judges arrive at a verdict, often seen as unfair or guided by motivational sums of money; or the fact that in three-quarters of the sexual violence cases they studied, legally-required documents were missing from case files (including medical reports, birth certificates and identity cards).

All these initiatives are local, national or international attempts by organisations to provide justice. However, the model outlined in this paper represents a community impulse, and as such is more reflective of traditional justice structures. Aspects of this are highlighted below, providing a framework in which the Baraza project sits.

Traditional justice structures

Despite some extensive claims, relatively little is known about the role and impact of informal justice processes in post-conflict situations (Kelsall 2009; Huysse and Salter 2008; Shaw et al. 2010). This case study similarly attempts to provide evidence (admittedly based upon

a simple framework) that local justice structures can most definitely have a positive impact and work towards reducing violence in the community.

There is also much debate around traditional versus state justice,⁸ often framed in terms of transitional (Senier 2008) or restorative justice following mass atrocities (Shaw et al. 2010). The Gacaca trials post-genocide in Rwanda, and the Acholi courts of Uganda for addressing LRA crimes, can be seen as two of the most significant examples of this. Although FOCHI's project can be framed within the debate of state versus traditional justice, this debate seems an unnecessary distraction, as the reality of the DRC is that, despite considerable resources and pressures from outside, the DRC continues to provide inadequate justice for many rural villages in South Kivu. It is, therefore, not a debate of state versus traditional, but traditional versus none. This paper acknowledges these academic debates, but the reader is encouraged to identify with the pragmatic solutions that have emerged from this locally led solution to a national problem.

Of course these problems are not isolated to DRC, and it is necessary to explore examples throughout the global South where there are vast regions in which the power and authority of state law is 'nominal rather than operational' (Moore 1986:150). Although viewed in largely negative terms by most development agencies as being either 'archaic, "backward", or rigid practices' (Chirayath et al. 2005:4), the Organisation for Economic and Cultural Development (OECD) noted in 2007 that as much as 80% of the people in today's fragile states rely on non-state actors for various forms of justice and security (OECD 2007). For example, it has been estimated that roughly 85% of the population in Sierra Leone does not have access to formal justice and relies upon traditional measures (Sriram 2007:598); whilst in Afghanistan, in areas not controlled by the Taliban, an estimated 80-90% of all disputes are mediated in the customary system (Wojkowska 2006).

What are the reasons for such widespread use? One response to this is found in a report on informal justice systems from the United Nations Development Programme (UNDP), which states that:

'In post-conflict countries, where formal mechanisms may

8. Figures such as Clark and Matthew (2011) have proposed an approach that blends both state and non-state justice systems together, incorporating the strengths of each in order to mitigate the weaknesses.

have completely disappeared or been discredited, informal systems of dispute resolution may be crucial to restoring some degree of law and order, and they may be all that is available for many years. If there are no viable means of resolving societal disputes, the alternatives are either violence or conflict avoidance – which in itself is likely to lead to violence later’ (Wojkowska 2006: 5-6).

In addition to citing distrust and fear for state institutions, the report also argues that because ‘informal justice systems are often more accessible to poor and disadvantaged people [they] may have the potential to provide quick, cheap and culturally relevant remedies’ (Wojkowska 2006:5). Their use of local languages (in place of a national language which may be unknown to many living in rural parts) and geographical proximity also contribute to this; whilst in terms of conflict issues, those of greatest social and economic concern across many African countries, namely concerns of land and family/lineage, have been viewed as being most successfully resolved here (WDR 2011:134).⁹

All of these aspects are relevant to the Baraza peace courts and undoubtedly contribute to their success. In addition to these practical considerations, perhaps the most important characteristic of the traditional justice system, and one which also rings true for the Baraza project, is that it is seen as an all-inclusive process, one that fosters social trust and community cohesion (PRI 2000). When a conflict arises, it is the well-being of the community at large which is at stake, and not solely the satisfaction of the victim:

‘A conflict between two members of a community is regarded as a problem which afflicts the entire community. In order to restore harmony, therefore, there must be general satisfaction among the community at large, as well as the disputants, with the procedure and the outcome of the case. Public consensus is, moreover, necessary to ensure enforcement of the decision through social pressure’ (PRI 2000:26).

This all-inclusive process means that justice is essentially concerned with the restoration of a community’s moral order and social harmony.

9. Principle critiques of traditional justice structures will be highlighted at a later point (section 5a) with regards to the Baraza process of committee selection and case judgements.

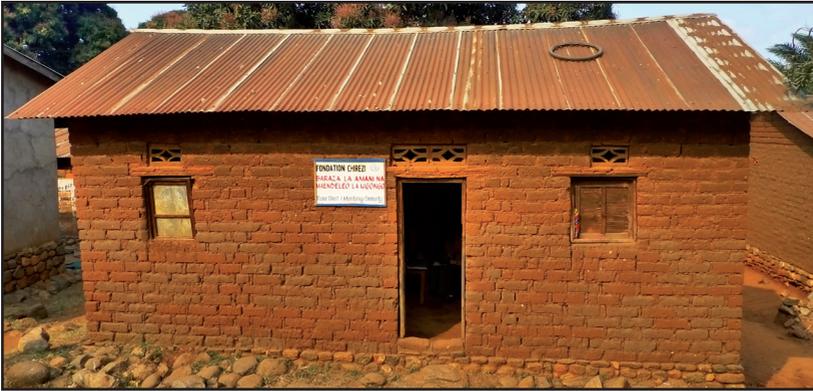
Retributive punishment can be seen therefore as generally not the exclusive or even primary objective of informal systems. Indeed, as one report on traditional justice in Africa points out:

‘The traditional African sense of justice is not simply about isolating the retributive aspects of justice, as it is in the Western model. Instead, retribution is but one part of an overarching process that also encompasses rehabilitation, reconciliation, compensation, and restoration. In other words, it is not just that retribution equals justice. Indeed, justice itself is one component of restoring perpetrators back into harmony with the values of a community’ (Hovil and Quinn 2005:12).

This acceptance and subsequent reintegration is achieved through a wide variety of symbolic rituals, such as eating from the same plate or drinking from the same cup, often during a public reconciliation process that implies communal acceptance and restoration of harmony (PRI 2000:34). This is also true of the Baraza project.

The following evidence-based case study, therefore, echoes many of these aspects and places itself within this framework of local justice. However, its aim is to highlight that the Baraza peace courts can work as complementary to national justice institutions: although promoting a less formal, more locally-owned process, the Barazas have been developed in collaboration with – as opposed to in parallel to – the state justice systems. In this way they can legitimately deal with the very large numbers of unresolved community-level conflicts which state institutions either do not reach or are perceived as less relevant to.¹⁰ Thus by creating a wider foundation that strengthens existing traditional structures, this bottom-up approach to justice can be highly complementary to the other local, national and international approaches described above, and can provide consistent conflict resolution that is ultimately working to reduce violence and foster community mobilisation across Baraza villages.

10. This case study substantiates this claim and highlights the difficulties for disadvantaged and rural communities when faced with justice institutions of the state. See section 4b for specific examples of this.



4. FOCHI'S MODEL OF ACCESSIBLE JUSTICE

4a. Background

FOCHI is a Congolese NGO which was founded in 2002 and formalised in 2003. Based in Uvira, it currently operates in the territories of Uvira, Fizi and Walungu, across the Province of South Kivu. The word 'chirezi' is common to many dialects of the Great Lakes region and means 'care giver', with emphasis upon the person who takes care of a baby in the absence or death of a mother.

FOCHI is a grassroots initiative working to better the lives of child orphans of war and ex-child soldiers, through infrastructures of education; to assist in the healing process of women victims of sexual violence; to initiate community projects; and to provide conflict resolution to the communities.

In addition to the justice work described in this case study, FOCHI has created a Farm of Hope school in Kiliba which provides free formal education and vocational training to orphans, street children and ex-child soldiers; at the Pan-African Peace University (PPU) in Uvira it offers minimal fee-paying education to children at primary and secondary school levels, university-level peace and reconciliation degrees, and also medicine; in Bukavu it has established a centre for the detraumatization and skills-training of women victims of sexual violence, offering soap making, sewing and family mediation; and

ex-combatant socio-economic reintegration programmes have recently begun alongside Baraza activities in Kavimvira, Kiliba and Runingu.

FOCHI's main priority, however, is conflict resolution and justice and the model described in this paper is a response to the state system which fails to provide justice for the vast majority.

4b. The problem of justice in eastern Congo

A two-hour consultation with a registered practising court lawyer (who wished to remain anonymous) produced the majority of the following information on the justice process in Uvira and South Kivu in general.¹¹ South Kivu covers a geographical area of 65,070 square kilometres, with an estimated population of 461,4768. It holds one Parquet (Public Prosecutor's Court), seven Tribunaux de Paix (Peace Tribunals) and one Tribunal de Grande Instance (Grand Tribunal). Although each of the seven territories across South Kivu has a Tribunal de Paix, the Tribunal de Grande Instance in Uvira is the only one in the province, led by three judges and serving all seven territories.

During a period of nine months (January-September 2013), the Tribunal de Grande Instance addressed 2,638 cases. Of these the number resolved was 618, with 589 pending, 97 unresolved, and 1,304 still waiting for the 'necessary' funds to facilitate them. In the same period, the smaller Tribunal de Paix addressed 600 cases; of these 106 were resolved, with 144 pending, 50 unresolved, and 300 also waiting for funds. Cases considered to be inadmissible were returned to special courts of the police,¹² whilst others were sent to bodies such as traditional tribal chiefs or district offices. In terms of success rate, this translates as follows. In the Tribunal de Grande Instance, 26% of cases were resolved, 25% are pending, 4% were unresolved, and 55% are waiting for funds; at the smaller Tribunal de Paix 18% were resolved, 24% remain pending, 8% were unresolved, and 50% are waiting for funds. It is clear that although in both courts nearly a quarter of cases were resolved, not only are the levels of those pending either the same as or higher than this, but more importantly,

11. The interview between Alana Poole, FOCHI and the lawyer, who wished to remain anonymous, was held on 02.09.2013 in Uvira, South Kivu, DRC.

12. These were cases viewed as more sensitive in nature, such as those involving influential members of the community.

one half of those cases sent to the courts are still waiting on funds before they can begin. This could be seen as indicative of a process that does not prioritise issues of justice, a point which is further illustrated during the continuing interview below and also by the qualitative data collected throughout the evaluation.

Civil cases, however, are addressed by the public prosecutors and magistrates at the Parquet. There are 22 magistrates and 17 lawyers serving across Uvira territory. Penal cases are transferred to the Tribunal de Paix and (depending on the severity of the charges) on to the Tribunal de Grande Instance.

There are various processes for bringing a case. It is possible for the plaintiff to go directly to the public prosecutors and magistrates at the Parquet. Here the plaintiff can leave a letter with the secretary: but without money in it, the letter will not be looked at for a month at a minimum. Alternatively, the plaintiff can arrange to see a prosecutor, where the plaintiff will pay \$50 for the prosecutor to open a new case file, but if the prosecutor then discards the case, the plaintiff will lose the money. A third option is for the plaintiff to initially consult a lawyer for a fee of \$50, who will then accompany them to see the prosecutor if the lawyer thinks the case has a chance – at which time the plaintiff will pay the prosecutor \$50 for the opening of the new file.

Once opened, the prosecutor has two choices. Firstly, he can discard the file on the grounds that there is insufficient evidence against the accused (although this is unlikely if a lawyer has previously agreed the soundness of the case). Secondly, if he takes the case, he will send Agents de Police Judiciaire (APJ) to serve the accused with a summons letter and bring the accused back. The cost for this depends upon the distance required to travel: it is \$20 within Uvira, but further afield it could extend up to \$100. The plaintiff pays this, but if the plaintiff wins the case, the defendant will reimburse the monies spent.

Once the defendant has arrived, if it is a civil matter the magistrate has two choices. He can either, for a ‘motivational’ sum of money, conduct a mediation and reconciliation process between the parties and thereby close the case; or if the charges are more severe, he can transfer the case to one of the Tribunals. For a penal case, the transfer to a Tribunal happens immediately. At the Tribunal, there is a hearing and judgement: if the defendant is found guilty, s/he pays all costs, or if unable to pay spends 30 days in prison. The winning plaintiff pays a proportional amount back to the state, 6% of monies won in damages.

A typical example of costs incurred throughout the process could

look something like this: lawyer consultation, \$50; opening of new file, \$50; first hearing at the Tribunal de Paix, \$400, or first hearing at the Tribunal de Grande Instance, \$500. That totals \$1,000, in a population who mostly live on less than \$2 per day. In the event of a retrial, costs are doubled. Each step of the process is accompanied by ‘motivational’ contributions, which ensure that the case continues.

A typical example of the ‘motivationally-dependent’ timescale could look like this: if ‘motivation’ is high, the fastest case turnaround is three months; if ‘motivation’ is low, cases can often take up to a year or more in length. Cases of sexual violence, however, are concluded over a three-month period.

This case study will demonstrate that for the many people living in poverty in rural villages across the territories of Uvira, Fizi and the Plain of Ruzizi, this process of justice is not entirely effective and poses many problems, not least concerning costs, accessibility and time. The following Baraza approach, however, successfully resolves small-scale conflicts before they become violent, within a fast-paced timeframe that does not ask for money.

4c. FOCHI’s approach to justice

FOCHI’s primary focus is to ensure accessible, fair and non-punitive justice to those living in rural villages – communities for which the legal system works neither effectively nor in their best interests, and in which conflicts can quickly turn violent. To offer an alternative to this, in 2010 Barazas were established in nine villages, providing successful resolution to conflicts through participatory processes of dialogue, mediation and reconciliation. Although the majority of these communities have come into contact with other INGOs in the past (such as Oxfam or the International Committee of the Red Cross, who have installed water pumps and various other development projects), these have not, arguably, actively mobilised the communities’ capacities and participation in the same way as the Barazas.

‘Baraza’ is a Swahili word meaning ‘gathering’ and suggests an open and participatory approach. This approach has had a positive impact upon the community by reducing violence and increasing collaboration, trust and self-empowerment – not only within the communities themselves, but also between the communities, local leaders and

authorities, and the communities and local ex-rebel fighters.¹³ Over the last three years, the Baraza peace courts have successfully resolved over 1,500 cases, directly benefitting over 3,000 people and indirectly affecting 15,000 more.¹⁴

Such direct action to prevent violent outbreaks when faced with conflict has an immediate stabilising influence upon the communities; it has also worked as an effective tool for future conflict prevention. Emerging conflicts are quickly identified and addressed, whilst the establishment of trust and collaboration between different parties creates an environment less conducive to intimidation and violence.¹⁵

4d. Justice without punishment?

It goes without saying that issues of justice and reconciliation are vast subjects for which there are many different meanings for different people, not least between perpetrator and victim. Nonetheless, the global increase in Truth and Reconciliation tribunals following atrocities attests to the accepted importance of a process involving truth telling, confession, remorse and the asking of forgiveness (Moolakkattu 2011). Differences, however, lie in the extent to which restorative justice is perceived as an important part of this reconciliation process: for punishment and compensation are traditionally accepted integral elements for both perpetrator and victim.

Due in part to the complexity of this area, the emphasis in the Baraza peace courts is to address conflicts before they become violent – in order to directly prevent violence, and also so that non-punitive measures are more widely accepted in the reconciliation process.¹⁶ In the

13. The following evaluation substantiates this claim.

14. The numbers of cases resolved are taken from FOCHI records, which show an average of 500 cases per year. Assuming that each case involves a minimum of two people, it is clear that 1,000 people per year are directly affected by the Barazas. However, over the course of the last three years, the total number of cases comes to 1,500 and the number of direct beneficiaries rises to 3,000. Estimating that each family consists of five members, at minimum, it can be seen that over a three-year period 15,000 people have been indirectly affected by the Barazas.

15. The following evaluation substantiates this claim.

16. During conversations with Baraza peace court committee members throughout the evaluation, it became clear that if violence had already been committed, it was often more of a challenge to persuade the victim to agree to a non-punitive ruling.

cases where violence has already been inflicted, and truth telling, confession, remorse and the asking of forgiveness have been expressed, it is compensation which will most likely be demanded, possibly in the form of public apology, money or work. In all possible resolutions, punishment is never envisioned, as it is seen to only enhance a ‘never-ending cycle of violence’¹⁷ far removed from Baraza goals of peace in the region.

FOCHI’s theory of change is based on this understanding of justice.

4e. FOCHI’S theory of change

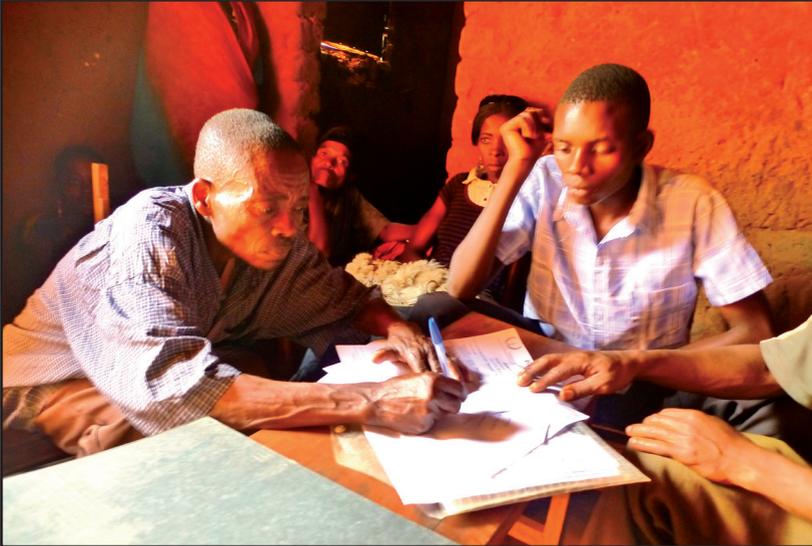
FOCHI’s theory of change is that if the communities are provided with the necessary abilities to resolve their conflicts in a non-violent manner (through the Barazas), then violence and conflict will be reduced. If violence and conflict can be reduced, then this will enable greater collaboration within the community and mobilisation for community development. If community mobilisation can be encouraged, then they will be able to better address socio-economic drivers of conflict, contributing to the prospect of sustainable peace.

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

Although the primary goal of this evaluation was to provide evidence of FOCHI’s theory of change, an unexpected change resulting from this work was the empowerment of women; this aspect will therefore be analysed following the theory of change (see section 6f).

17. *Conversations with Baraza members during the course of evaluation often produced this unprompted phrase, whilst high numbers of MSC narratives and collected case studies included attestations that ‘cycles of violence’ had been a common occurrence before the intervention of the Baraza peace courts.*

Case resolved: signing a mediation sheet at Kigongo



5. AN OUTLINE OF FOCHI'S BARAZA MODEL

5a. Structure: providing justice by whom and for whom?

The Barazas are made up of four different groups of people: a main committee (5 people), a youth group (aprox 10 people), a women's group (aprox 10 people), and a general group of remaining Baraza members of the community (aprox 100). The last two groups (women and general) comprise a mixture of both civilians and ex-combatants. The main committee comprises a President, Secretary, Treasurer, Head of the Women's Group and Advisor. The selection process for each of these roles is democratic, in that the community gathers together and one by one votes with a show of hands for each position. Roles are therefore chosen by the community for agreed strengths in leadership, and for the willingness and availability to work for the overall well-being of the community.¹⁸ Each of the other

18. As public pressure from powerful community figures could influence decision-making, this process may be a weakness. No evidence of dissatisfaction was found, but if the model were scaled up significantly, this area would need additional research.

groups also has a committee with this structure. All groups, led by their committees, meet on a weekly basis.

Traditional wisdom is relied upon initially, but once principal roles have been established, FOCHI staff provide bi-annual trainings in mediation and conflict resolution skills. However, in his seminal study of informal justice, Richard Abel remarked that ‘the true significance of informal institutions for conflict resolution and social control is that they empower those who create and operate them’ (Abel 1982: ‘Introduction’). It is therefore necessary to highlight some principle critiques of traditional justice structures and how they relate to the Baraza peace courts.

The first is to question whether or not there is a danger that ‘justice’ comes to be captured by, say, powerful local actors in the community who hold a monopoly over the prevailing rule of law; and correspondingly, to examine whether all sub-groups in the communities are treated equally in the courts. Both of these aspects are very real dangers, as local and community-led justice structures can, and have been, used as arenas in which those with most power are able to act upon an ad hoc basis and dish out subjective versions of ‘justice’. These often afford unchecked impunity to perpetrators as a result of money, debt or family ties, yet are framed within terms of a ‘traditional’ wisdom that must be respected (Allen and Macdonald 2013). This reaffirmation of existing power relations to the detriment of the socially excluded is what Amartya Sen describes as the ‘justice of fish’, whereby the big fish eat the little fish with impunity (Sen 2009:20).

In terms of the domination of specific groups, therefore:

‘Members of some sections of the community – for example women or young people – are likely to be put at a disadvantage in relation to more powerful members, such as elder men, particularly as the arbitrators themselves may be chiefs, elders, and religious leaders. This is the major weakness of the informal process. The element of compromise inherent in the system tends to reinforce existing social attitudes whether desirable or not. These include actual customary and religious norms which may discriminate on the basis of social status including gender, caste, age and marital status’ (PRI 2000:37).

In order to ensure that this does not happen, Baraza committee members are democratically chosen by the communities, as previously mentioned, for agreed strengths in leadership and the willingness and

availability to work for the overall well-being of the community. As they are chosen for individual attributes, the representation of ethnicity, gender and age is supposedly random in the committee: although certainly in terms of ethnicity, it could be assumed that the higher the percentage of one ethnicity in the community, the more likely it is that they make up a greater portion of the committee. Resources did not allow for a survey on ethnic/gender/age representation for this case study, but it would be important to conduct one if the Baraza were to be scaled up. Nonetheless, the behaviour of each committee member in terms of case judgements is consistently monitored by the others, by the community in general and also by FOCHI. This ensures that cases are treated within an equal framework and does not permit obvious favouritism, bias or discrimination.¹⁹

Another point to note is the issue of women and traditional justice. For the reality is that they are often openly discriminated against:

‘In much of sub-Saharan Africa, traditional systems are patriarchal in nature and often systematically deny women’s rights to assets or opportunities. Women are unable to own, control, or inherit land, and are only able to access land through a man (generally either their father or husband).... The situation in sub-Saharan Africa has been exacerbated by both episodes of armed conflict and the HIV/AIDS pandemic, with the widowed women making up almost 50% of the female population in places like post-genocide Rwanda’ (Chirayath et al. 2000:4).

This aspect will be further explored with relation to female empowerment and the Baraza project which, although operating within an inherently patriarchal framework, is successfully demonstrative of an active engagement with this issue (see section 6f on female empowerment and Barazas, and 6g on local authorities and Barazas).

In terms of legitimacy and effectiveness, it is important to briefly highlight that there are conditions under which the Barazas are more effective than others. For example, it is clear that some case types are more suited to them, such as property disputes and accusations of sorcery, over those of kidnapping and murder.²⁰ The Baraza project

19. If a committee member seems to be abusive of their position of power and appears to be judging for personal reasons of bias or gain, then they are removed by the rest of the committee and replaced.

20. During the five months of evaluation, only 1% of all Baraza cases involved kidnapping, as shown in Graph 3.

does not claim to be equipped to address all cases, nor to take the place of national justice institutions, although it does offer to work in collaboration with, and complementary to, them. However, the daily persistence with which these ‘lesser’ conflicts occur, and subsequently flare up into violence that often causes injury or death, means that such cases do in fact make up a large percentage of those sent to state justice institutions,²¹ with their lengthy time period and hefty fees. It is clearly preferable that the Barazas address these cases as they occur, in attempts at providing successful conflict resolution before they have become violent, a method which this case study proves is effective.

A final point of concern to highlight here is how traditional justice structures meet guidelines of human rights standards established by international law. For human rights activists and lawyers, a major challenge is how to adapt and reconcile traditional justice structures with overarching human rights guarantees (Villa-Vicencio 2010). This issue, however, is more relevant to questions of local justice provisions following mass atrocities, and not entirely relevant for the Baraza peace courts, because they largely address cases before violence has occurred and are based upon principles of nonviolence. This arguably ensures that their judgements cannot be construed as cruel or inhumane. This process is explained below.

5b. Process

Although each process is different, the cases follow a similar pattern. When a conflict arises in a village, it is brought by members of the community to the principal peace court committee. The parties in opposition then meet the committee, and are given a date of hearing in the peace court. At the peace court, each party is given time to tell their story, in front of as many members of the Baraza as possible. Then the committee meet in private for fact-finding investigations and deliberation, the result of which is relayed back to the accuser(s) and defendant(s). The decision can include private apology, public apology, work, payment, etc. When all parties agree with the decision of the judges, the community organises a reconciliation ceremony, in which the agreed resolution between the parties is publically declared.

21. Alana Poole interview with lawyer on 02.09.2013 in Uvira, South Kivu, DRC.

BOX 1: CASE STUDY OF FEMALE CONFLICT RESOLUTION: ADULTERY

During May 2013 in the village of Makobola, a married woman Sifa* became pregnant with her neighbour's child. Her husband assumed he was the father, but after a few months he heard that she had been seen talking with a neighbour and he confronted her. Sifa refused to answer his questions. One day he left the house and went for a walk, and upon his early return he found that she was no longer at home. He went searching for her and finally found her in the house of the neighbour. He was angry when he saw this and went straight to the police.

Sifa was ashamed and rushed to the female Baraza, told them the whole story, and together with members of the reconciliation committee they quickly followed the husband, who they found still on the way to the police, and convinced him to come to the female Baraza instead.

The Baraza persuaded the two men to talk and reconcile, during which time the neighbour asked pardon, and then Sifa was brought in and finally explained herself and demanded pardon of her husband. The Baraza bought a case of Fanta for a reconciliation process and the husband forgave his wife and they all reconciled. Sifa returned to her home and her husband. The Baraza also recommended that the man whose child it was should buy all the clothes and anything that was needed for the child, and he accepted that. FOCHI are continuing to monitor the situation.

'This is significant because the woman went to see the Baraza so that the problem could be finished without losing money. But if it was at the police or the public tribunal, the man in question would have been imprisoned and condemned to prison for many months. Because we already have the Baraza, the problem was worked out well and the two men were pardoned and already they are speaking together again' (Amunazo, Makobola, May 2013).

** Throughout this study, names with an asterisk have been altered for confidentiality.*

If one party has disagreed, a time is given to digest the decision, following which the freedom of appeal is always given. However, once the peace court committee has given its decision, it is then viewed as the community decision and is unbreakable. If it is not ultimately accepted, it can then proceed to the government magistrate, where a FOCHI-paid lawyer will then represent the party at the local tribunal.

In all cases, however, attempts are made to find solutions to resolving the conflicts in a non-violent manner, with emphasis upon dialogue and reconciliation in place of the normal penal justice system. In this way, conflicts which could result in harsh and often violent punishment are instead used as a chance to bring about collaboration between hostile parties, in a conflict resolution system which brings people together in search of mutually beneficial peaceful solutions.

All-female peace courts

Once a peace court has been established and is an accepted and recognised process in the community, FOCHI facilitates the creation of an all-female court. This follows a decision by the Baraza committee that the women's group is reliable, meets regularly and shows consistent commitment to active community participation. The female peace courts are similarly led by a five-person committee. The creation of all-female courts was in response to the low number of gender-based conflicts, such as sexual violence, taken to the general peace court. It is here that issues felt to be private, such as marital rape, can be discussed openly without a male presence. When a resolution is not reached, the case is then taken to the principal Baraza and peace court (this will be further explored in section 6f on female empowerment).

5c. Sources of conflict

The Barazas have seen their biggest priorities as the continued conflict over land rights, a situation arising out of the large numbers of people who fled during the war and returned to find their land and homes taken by others. With little or no recourse to justice, these returning refugees can be one of the biggest threats to village stability, as some feel forced to turn to violence or coercion to reclaim their lands.

The Barazas also address conflicts arising from accusations of sor-

cery, robbery, rape, injury of person or property, domestic violence, public insult, intimidation and aggression, adultery, lending or borrowing of money, heritage, breach of trust and spreading of rumours.

6. EVALUATING IMPACT

6a. Methodologies and limitations

This case study is the outcome of a five-month evidence-based project to evaluate the impact of the Barazas upon their communities. As FOCHI is a small local NGO in eastern DRC, designing a monitoring and evaluation (M&E) system was understandably affected by a limitation of resources (logistical and human) and by insecurity. The wide range of FOCHI's theory of change, encompassing conflict reduction, community cohesion and sustainable development, added a further challenge. It was therefore necessary to create an innovative and contextually determined, yet simple, M&E framework.

Statistics of peace court cases and development projects to indicate Baraza success could be easily recorded, using methods of logbook record-keeping; case studies could provide colour and more in-depth detail to the statistics, and were also followed up for statistical confirmation; and focus groups at the end could be used to verify the findings gathered from the logbooks and case studies. (It is important to acknowledge the limitations of focus groups, as focus group participants may just say what they think we want to hear. In reality, however, it appeared that the participants were very much involved in the sessions, as each suggested project impact was intelligently debated until an agreed conclusion was reached by all.)

However, these three methods alone would not sufficiently capture the many other indicators of success needed to provide evidence that FOCHI's theory of change for Baraza justice was based upon a clear rationale. So the method of Most Significant Change (MSC) was employed in an attempt to meet some of the challenges associated with M&E in a rural environment on a project for which there are few obvious, easily captured, or predefined indicators of success, especially ones that can be counted and measured.

MSC is a form of participatory M&E based on the collection of stories.²² The MSC story collection asks beneficiaries what the most significant change has been in their life as a result of the project; and is followed by a second question as to why that change was important to them. In this way beneficiaries narrate an event which describes an impact, the importance of which they then analyse. It is a simple method that clearly shows the changes in people's lives as a result of a project, and provides its own indicators that demonstrate the extent to which the project is working. Indicators of project success are thus subjectively determined by the beneficiaries themselves.²³

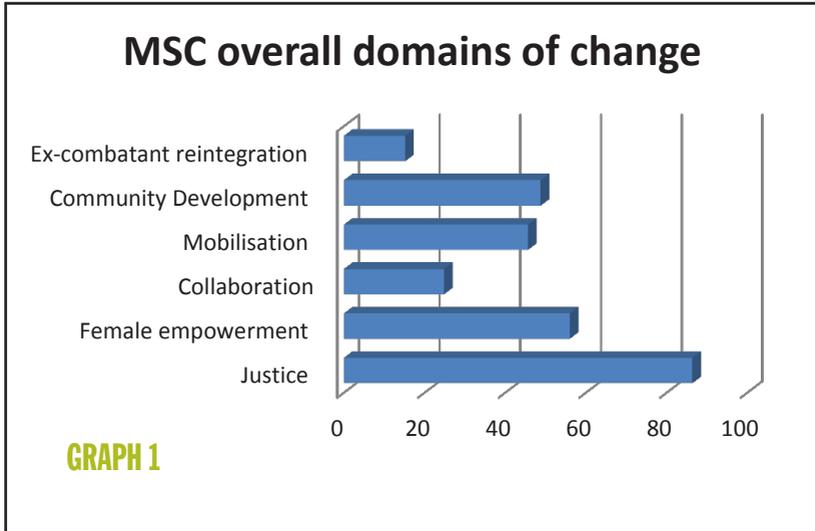
It proved to be a successful form of monitoring as the communities have a long-established tradition of storytelling. Twice-monthly visits to each Baraza by FOCHI field staff produced 125 MSC over a period of five months; collection of stories was affected by context, however, such as weather, insecurity, or Baraza members' unavoidable absence, factors which determined the final total number.²⁴

These stories were then analysed to identify the key changes common to the stories, known as 'domains of change'. Once the domains had been identified, it was then possible to quantify the frequency

22. *It is important to note that although the majority of MSC narratives were collected by FOCHI staff, due to the wide variety of local language dialects across the villages, the independent researcher had already noted in numerous meetings with the Barazas that they were very open in their opinions of FOCHI, in front of FOCHI; this included both negative and positive viewpoints. Based on this experience, the researcher felt that the impact of FOCHI staff being present would not significantly undermine the results and that any impact it might have was negated by the practicalities of the resource constraints which did not allow the employment of full-time research assistants, the value of FOCHI's local knowledge and their respect at a local level in an insecure environment, as well as the importance of FOCHI learning the evaluation techniques for itself. As the relationship between FOCHI staff and Baraza communities is a very positive one, high levels of trust were evident between the two; and after the independent researcher and FOCHI staff had reassured them that there would be no repercussions from their answers or participation in any MSC or case studies, they were eager to share experiences and points of view.*

23. *It needs to be highlighted, however, that although specific 'change' events are captured, their significance lies in respondents' subjective perceptions of change.*

24. *Although the FOCHI/Baraza meetings were scheduled for when all members could attend, it was often not possible, as unexpected events would invariably occur, such as deaths, school exams or the change of market day; in these cases, the pastors, teachers or women Baraza members would understandably be expected to attend to their duties in place of the FOCHI meeting.*



with which the domains were referenced in the stories.

Following this, the most numerous of the specific changes within each overall domain of change were identified and analysed. Baraza impacts of justice, for example, could be viewed as a good thing ‘because it was free’; alternatively, others may have viewed it as a good thing ‘because the cases are successfully resolved’. It is important to note here that the stories frequently featured more than one specific MSC: the majority of them mentioned three or four MSC, each of which was documented. Each specific change was then given a code and put into a database next to every story it featured in, which in turn produced the final statistics on each impact.

This process enabled the beneficiaries themselves to identify the indicators for evaluation, capture unexpected outcomes and support a wealth of qualitative data with quantified statistics.

The remainder of this paper analyses these changes and relates them to FOCHI’s theory of change. In doing so, it is apparent that not only have the Barazas improved access to justice but they are having a wider impact on society and the way that people interact with each other away from the Barazas. This is significant, especially in a post-conflict context where the fabric of society needs to be rebuilt and community development is key to long term peace.

The next section presents the findings of the evaluation, framed within FOCHI’s theory of change.

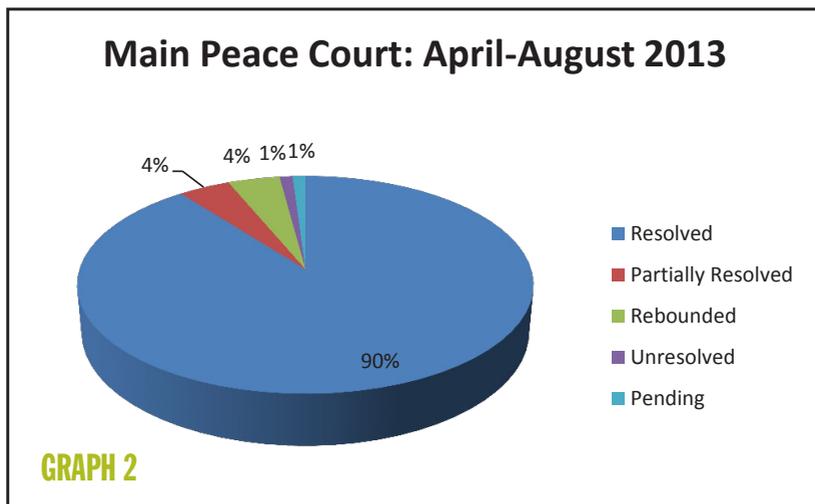
6b. Theory of change component 1: Barazas lead to conflict reduction

FOCHI's theory of change is dependent 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. The first challenge then is to assess whether conflict has been reduced in the community and whether this can be attributed to the Barazas and FOCI's assistance.

The following analysis indicates that the Barazas have reduced conflict, benefiting from the trainings provided by FOCI that enable them to successfully resolve conflicts. Significantly, the findings suggest that this has led to attitudinal and behavioural change within the community, facilitating greater community collaboration (theory of change component 2).

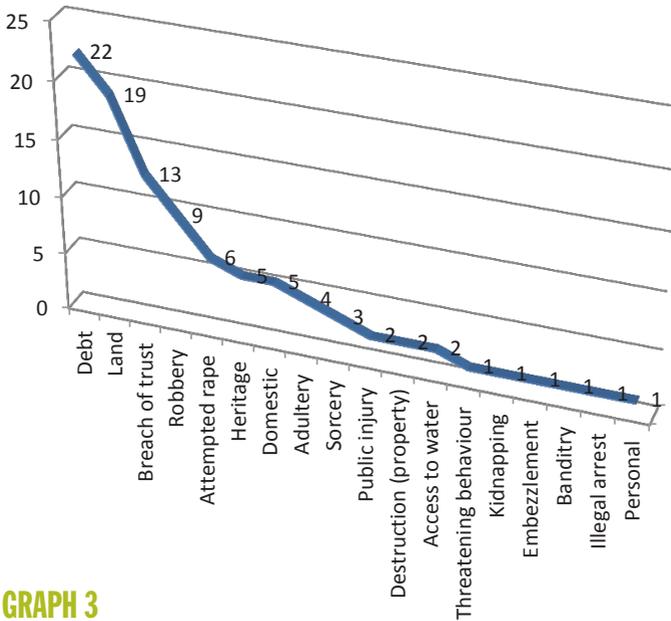
The success rate of the Barazas to resolve conflict²⁵ is surprisingly high, whilst also still managing to address a wide range of conflicts. Between April and August 2013 (five months) the principal Baraza peace courts addressed 95 cases with the results shown in Graph 2.

In most cases the reasons for partial resolution, rebound or unre-



25. This is assessed by the number of cases for which the committee's ruling is agreed upon by both parties and subsequently acted upon, and for which there are no rebound repercussions.

Main Peace Court: Sources of Conflict



GRAPH 3

BOX 2: CASE STUDY OF A REBOUND CASE: DEBT

05 June 2013, Makobola. Dossier Kirindo vs. Matata

An earlier pardon and agreement of repayment had been replaced by verbal accusations and escalating tensions. Why was this case rebounding? Because Matata still had not paid the agreed money owed for the sewing training which she had taken. The Baraza again mediated between the two, and have convinced Kirindo that Matata will repay the money by the 30 October 2013.

solved cases are because the agreed-upon repayment negotiated in the Baraza is not honoured (see Box 2).

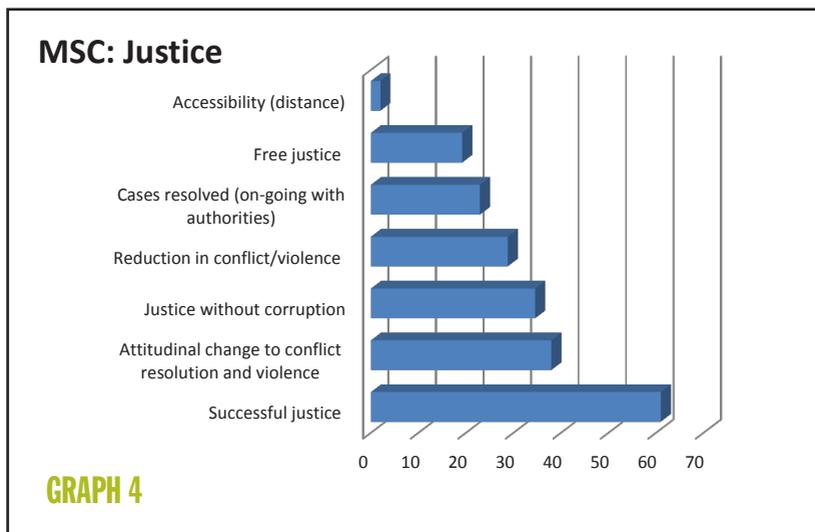
The high success rate is even more surprising when analysing the very wide range of conflicts that the Barazas were faced with. Without the necessary skills, the Barazas would struggle to achieve such a high success rate. During the five months of evaluation, the wide-ranging sources of conflict were as shown in Graph 3.

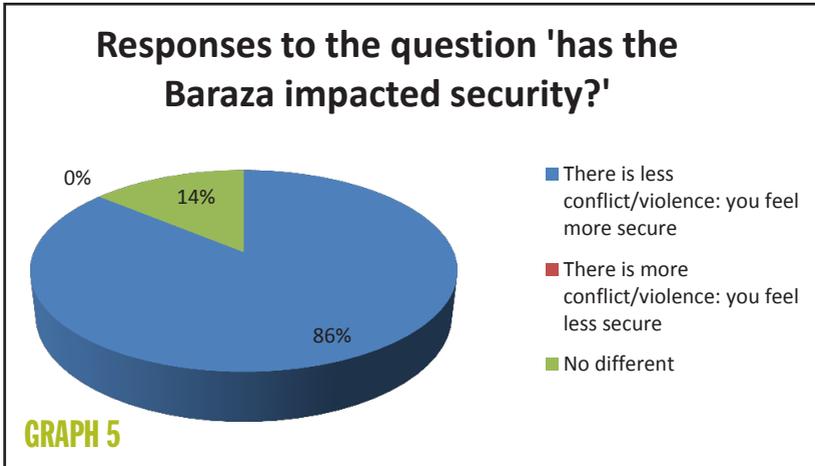
The above case statistics attest to the success of providing skills for conflict resolution to the communities as part of the Baraza model for justice and show common conflict patterns at the community level.

Attitudinal change

This success is substantiated when looking more closely at the most common significant change identified by the communities: justice. It reveals that, of the individual MSC stories which mention issues of justice as important, 60% specify its provision of ‘successful justice’ as the most significant (see Graph 4 for other variants which make up this overall domain of change). This renewed confidence in justice itself seems to have led to attitudinal change, where 38% of stories mentioning justice have also noted an attitudinal change to conflict and violence.

When comparing life before, and life with, the Baraza peace courts,





MSC narratives spoke of the previous impossibility of a conflict without violence, in comparison with today. They consistently stated that although conflict (a natural part of life) had not stopped, people now actively chose to resist violence and seek Baraza advice and help for peaceful resolutions. In terms of overall project success, therefore, it is significant that the communities themselves have now linked Baraza peace courts to attitudinal changes to conflict and violence.

Behavioural change

One of the obvious impacts of this changing attitude is the subsequent reduction in conflict and violence, identified across 29% of MSC narratives as a significant Baraza impact – and one which will be analysed in greater detail in the following section. More research is needed, but given the improved sense of justice, the Barazas offer a non-violent mechanism to conflict that previously did not seem to be there. Without such a mechanism, community members were forced to take issues of conflict into their own hands, which often meant violence.

Also important to the communities was the speed of resolution (2-3 weeks) and the fact that successful justice had replaced corruption (cited by 35% of the justice stories). Story upon story recounted the difficulties of accessing fair justice: plaintiffs were forced to pay in money or in kind (such as a chicken or goat) to local leaders and police for any advice or process they received; they said that without money no-one would help; and that once money had been paid,

the conflict would most often be judged in favour of whoever had produced the most payment.

A number of narratives recounted that sometimes bad advice was purposely given: this ensured that the warring parties continued their reliance upon the local leader or police, and thus maintained regular payments for services rendered.

This is clearly an issue that needs addressing. But for the purposes of this evaluation, it suffices to note that the Barazas' successful provision of an alternative to this has achieved a key aim of the project, which was to increase the accessibility of justice for the poorest, which in turn has reduced violence and conflict.

BOX 3: MSC EXAMPLES OF BARAZA JUSTICE IMPACTS

'The conflicts which were resolved by the chiefs of the village were unfinished and still drove people back into the same situation afterwards, because if one of the parties involved in the conflict did not have the means to give money to the chief, the chief would not judge or resolve the problem. And if he resolved it, he always gave it in the best interest of whoever had given him most.... The Baraza does it free and the solutions always result in peaceful living together afterwards' (Muvunja,* Kigongo, July 2013).

'People don't want to go anymore to the police or the tribunal, because if we take the problems there, they demand all money – but at the Baraza they do not ask money and give very good advice and help for free' (Kiza,* Luvungi, May 2013).

'When a conflict existed between two people, there was always violence, because 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).

'Beforehand, we could not believe that justice could come from a non-state institution, but it is a reality for us today' (Safari, Sange, July 2013).

It is always difficult to attribute changes in security to any single project. There will always be multiple factors and any single project can only ever contribute to the change. Nevertheless, security is an important consideration, and the indicators above were assessed more closely during focus group discussions, where the respondents did believe that Barazas had improved security, as shown in Graph 5.

These findings would suggest that the Barazas are having a positive impact upon security levels within the communities, though this is an area that requires more and longer term evaluation.

A further point worth noting is that the Barazas have been proactive at addressing other security issues. Specifically, they have worked with FOCHI to reintegrate ex-combatants. As a high risk group, the Barazas recognised the need to extend the Barazas to include ex-combatants, adding ex-combatants to the peace court panel where acceptable to the community, and helping FOCHI identify ex-combatants for livelihoods support.

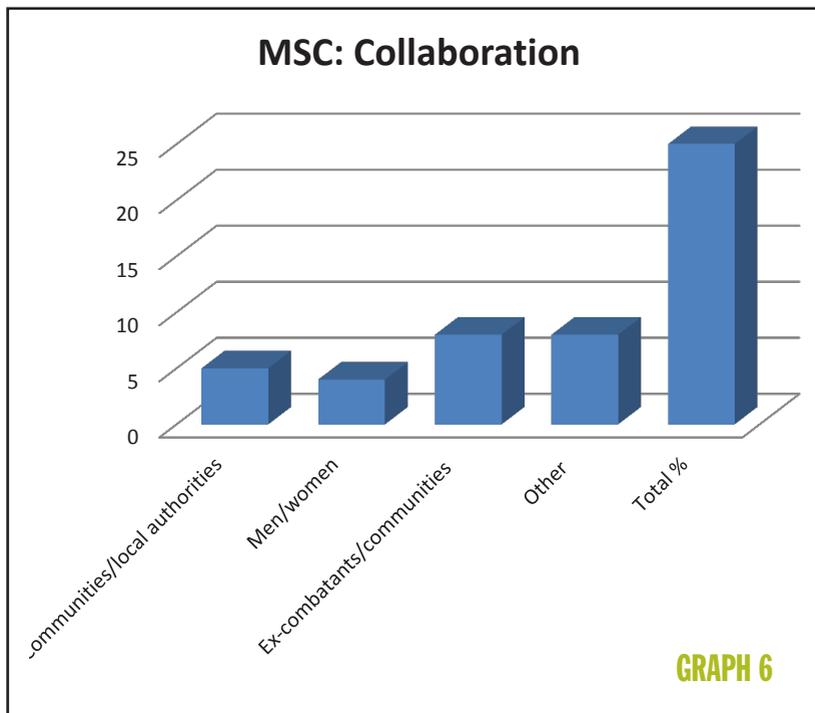
Ex-combatant reintegration clearly has an impact upon improving security at the community level. With regards to evaluating direct links to the Baraza, we can cite an MSC story narrated by an ex-combatant, which concluded with this unprompted reflection: 'As a result of this project, I now no longer want to steal from my community' (Kidi, Runingu, May 2013). The significance of this comment is emphasised by a local leader from Luvungi, who stated: 'Without collaboration between ex-combatants and community, there could be danger and people would have to flee' (local leader, Luvungi, September 2013).

Finally, there had been some internal questioning on FOCHI's part about whether perhaps the Baraza was popular only because it was free, or because it was accessible in terms of distance. The concern was that if this were the case, the success of the Barazas would have been in large part due to circumstance and necessity, rather than the active choice of community members. However, although MSC narratives recorded both of these aspects as important, their low statistics and bottom two places on the graph indicate that, in relative terms to the other identified changes higher up the graph, they are neither the driving, nor the defining, force of the Barazas. In conclusion, therefore, the above evidence suggests that the first assumption of FOCHI's theory of change is sound – that the Barazas have led to a reduction in violence.

6c. Theory of change component 2: greater collaboration

The analysis above indicates that the Barazas have reduced conflict and violence. So has this led to the next component of FOCHI's theory of change? As a result of the Baraza, do the communities see greater collaboration and community mobilisation? The answer, again, is 'yes': there is greater collaboration between men and women, civilians and ex-combatants, and communities and the authorities.

Of the 125 stories collected, 25% cited increased collaboration as a significant change. Graph 6 shows the highest three percentages out of the total 125 MSC narratives to directly link the Barazas with increased collaboration, which are described in more detail below. In this graph, 'other' was made up of different forms of collaboration which were not repeated with enough consistency to warrant further evaluation. These were: increased collaboration between youth and women; between youth and youth; between youth and local Mai Mai groups; and between ex-combatants and ex-combatants.



GRAPH 6

Ex-combatants make bricks in a community reintegration project



Collaborating with ex-combatants

‘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’ (anon, Kiliba, July 2013).

In Graph 6, the collaboration with ex-combatants is of the greatest value. This was largely expressed with relation to community security, for a whole community can be quickly destabilised in the event of tension and distrust between other members and ex-combatants. The all-inclusive nature of the Baraza structures has ensured that ex-combatants are also involved as members. In some cases, where acceptable to the community, ex-combatants are included as members of the peace court itself.

In terms of security and justice, many ex-combatant MSC narratives described how in the past, when things happened in the village such as a robbery, people would be accused immediately and without proof, and either physically attacked or their house burned down or driven out of the village. No one would help them, unless they had money to pay a local leader or police (which was extremely rare). This was the pattern until the arrival of the Baraza. With the Baraza, their cases are heard and fairly addressed, whilst the reconciliation process at the end

is often used as a starting point for further collaboration between the ex-combatant and the community.

For example, in cases of popular justice in which ex-combatants are often wrongly accused, the Baraza ruling can take the form of weekly compensatory work on the ex-combatant's burned down house: but will also specify that, whilst this is taking place, the ex-combatant must oversee the work in a fair manner. In this way, the two parties are forced to spend time together, and MSC stories attest to distrust towards ex-combatants slowly lessening. Thus by facilitating and encouraging this growing collaboration between the two groups, this approach is now working to improve levels of security and slowly change attitudes.

Collaboration with the local authorities

'I have sensibilised the youth of our club to participate in the mixed night patrols with the military.... This action has revived confidence between the population and the state forces' (Mushamalirwa, Sange, July 2013).

Also commonly cited is the increased collaboration between communities and local authorities, although this still remains relatively low. However, MSC narratives and case studies framed this in terms of case collaboration, examples of which can be seen in the following case studies. Although there are not high numbers of such incidences, case studies have highlighted four different methods of collaboration between the Baraza communities and local authorities, most notably those of the police.

The first method of collaboration is demonstrated by five cases in recent months, which have been passed from the police to a Baraza. All such cases initially started with the police, but dissatisfaction prompted the transference of the dossier to the Baraza, by whom the issue was ultimately resolved successfully.

A second method began with the Baraza but then developed to involve the police, FOCHI, a lawyer, and a state tribunal.

The third method involved the Baraza working together with the police and other local authorities to resolve an issue.

In the Sange case (Box 6), the issue was not settled by 'formal' engagement with the Baraza court system and a substantial sum was still paid, so it could be criticised for not being justice per se. However, it is important to highlight that the Barazas are viewed by the authori-

ties as a resource to be called upon, that they offer connections and approaches which formal institutions do not have; hence, as a complementary component, they can bring stability where a government response, such as the proposed military offensive, would most likely have led to violence. In such cases, it would be near impossible for the Mai Mai to give up financial opportunity and to release a hostage without ransom. This context is less about maintaining justice than

BOX 4: CASE STUDY OF CASE TRANSFERRED FROM POLICE TO BARAZA: HERITAGE

Case duration: 26 April 2013 – 20 July 2013, Sange

The father of a family died leaving four children, three men and one woman, each married. The oldest lived with his wife and children in the house and land left by their father. The youngest brother was divorced and lived in Tanzania, but his former wife now wished to return with their children and a new husband to the house the father had left.

Although the eldest son refused, his sister did not accept this, and told him that if he did not allow them to come, she would sell the land and divide the money equally between the children. He responded by attacking and injuring one of his youngest brother's children.

His sister then went to the police and told them he wanted to kill the child, for which he was obliged to pay \$220. She then demanded that the case be transferred to the public prosecutor's court so that the land could be sold. A solution was not reached, however, and the other family members requested the assistance of the Baraza.

The Baraza called all family members together and convinced the eldest to demand pardon, and to accept the selling and equal division of the land. Following much mediation he agreed, the land was sold and money divided equally, and a formal reconciliation ceremony took place.

BOX 5: CASE STUDY OF CASE TRANSFERRED FROM BARAZA TO POLICE, FOCHI, LAWYER, TRIBUNAL: HERITAGE

Case duration: March 2013 – August 2013, Luvungi

A father died leaving four sons from a first wife already deceased, and three sons from a current second wife. The second wife and her children refused to allow the children of the first wife to access or profit from the land left by their father. The eldest of these, Kidoge, went to speak with her but she ran away, accusing him of arriving with bandits and attempting to kill her and her children.

Although Kidoge was not a member of the Baraza and did not have a Baraza in his village of Kamanyola, he had heard about the Baraza in neighbouring Luvungi, and went to them for assistance. The Baraza organised a mediation session between Kidoge, his brothers and FOCHI field staff: but during the same period, the second wife went to the police and accused him of attempted murder. The police arrived and Kidoge was taken to a prison 70 kilometres away in Uvira until his case could be heard at the tribunal.

As the Baraza, and by extension FOCHI, were now involved, they attempted to liaise with the police to transfer the dossier back to them. It was already too late, however. So FOCHI loaned the bail amount, engaged a lawyer for Kidoge, and persuaded the second wife to drop the attempted murder charges, which she admitted she had fabricated.

As a result of the tribunal hearing to determine the heritage, a public liquidator will now divide the lands equally between all children. The Baraza have persuaded all brothers and the second wife that when this happens (which will be soon), they will all engage in a public reconciliation ceremony so that the case can finally be resolved and peaceful relations can exist between family members once more.

**BOX 6: CASE STUDY OF BARAZA AND LOCAL AUTHORITIES
COLLABORATING: KIDNAPPING**

Case duration: 21 April 2013 – 30 April 2013, Sange

The young people of the chiefdom of the Bafuliiri¹ sent a message out to the townspeople of Sange that they no longer wanted to see the Banyamulenge and the Barundi² in the market at Sange. But the Chief of the town, Daniel Ruhanika, took a microphone into the marketplace and told the people that they were free to move about as they wished. As a result, he was taken hostage by the local Mai Mai Safari³ of the Bafuliiri who demanded a high ransom of \$2,000 for his release.

This was a conflict which threatened to affect not only the Chief, his family, and provincial and state authorities, but also the 20,000 Bafuliri, 6,000 Barundi and 2,000 Banyamulenge of Sange and the surrounding area.

The local authorities (including the provincial government as represented by the minister of the interior, the administrator of Uvira and the police commander) congregated in Sange, while the army (FARDC) prepared to release the Chief by force. In this administrative group was the president of the group of wise elders, who was a member of the Baraza at Sange. He requested the involvement of the Baraza mediation committee.

The Baraza committee contacted the Mwami (Chief) Safari and tried to persuade him to release Ruhanika. He refused, saying Ruhanika should be beaten for what he said in the marketplace. Then an ex-combatant member of the Baraza and other members of the mediation committee ventured into the bush to meet the main Chief of the Mai Mai, Mwami Bede Rusagara. He controls the Plain of Ruzizi from Runingu to Mutarule. They negotiated with him successfully. He reduced the ransom to \$1,000 and ordered the release of Ruhanika. Calm returned and the Baraza and local authorities celebrated together.

1. Self-styled original inhabitants of Ruzizi Plain. 2. Members of the collective of Ruzizi Plain, seen as 'Rwandaphones' and 'foreigners'. 3. Local defence group.

BOX 7: CASE STUDY OF CONTINUED POLICE SUPPORT FOR BARAZA INTERVENTION: ATTEMPTED MURDER THROUGH LYNCHING

Case duration: 13 June 2013 – 17 June 2013, Swima

Masoka, the wife of an active rebel, was followed and attacked in the village in revenge for her husband organising the kidnapping and murder of another rebel. Chased by a group of armed youths, she ran to take refuge in the Baraza meeting house. The Baraza mediation committee offered her protection and explained to the youths the right to life and the importance of fair justice for all. The youths left her alone.

Local leaders and police were interested by this, and Lieutenant Muchapa Michipa continues to visit the Baraza out of interest in the resolution of conflicts by the mediation committee.

limiting disorder, which in the DRC tends to be dramatically violent with consequences for justice through renewed victims and encouraged impunity.

And finally, a fourth mode of collaboration emerged, in which the Baraza addressed and successfully resolved a case but where the police have continued to work with them to monitor and ensure that the situation remains calm.

Collaboration between men and women

‘The men have started to talk to us about whether there is work in the community which we can participate with them in.... This is getting us together and showing us the importance of a life in collaboration’ (Gorette, Sange, July 2013).

The Baraza impacts upon men and women have allowed for a greater level of collaboration between them. MSC narratives described how in the past it would have been impossible for women to engage equally with men in dialogue, discussion and decision-making, but now this was possible within the framework of the peace courts. See sections 6f (female empowerment and Barazas) and 6g (local authorities and Barazas) for further analysis.

Men and women collaborating in the Baraza at Makobola



Resistance to the peace courts

Although these collaborations are significant, it should not be overlooked that there is resistance to the Baraza approach. Police who benefit from corruption are unlikely to support the loss of revenue associated with successful Barazas, and not all men in the community welcome the empowerment of women. Community members stated that collaboration with the authorities was very context-specific and, as such, is not always possible. A focus group with local leaders at Luvungi, for example, situated within the complex and persistent insecurity of Ruzizi Plain, produced very emphatic responses against police collaboration in Baraza activities:

‘There is no contact here between the authorities and the community. The authorities just imprison without just cause, to show they are doing something.... The police always demand money, and then do things to make the situation between both parties worse, so that they both keep coming to the police for help and keep giving the police money for help. This corruption hopes to make situations worse, so they can continue making money’ (local leader, Luvungi, September 2013).

Such resistance needs to be carefully managed by FOCHI, if and when they scale up the model.

Despite this limitation, over 40% of respondents cited community mobilisation in their most significant change stories. A result of increased collaboration at the community level has been a new confidence and empowerment, with an impulse for mobilisation

BOX 8: MSC EXAMPLES OF GREATER COLLABORATION

‘It is clear that with the Baraza the people are really in a good collaboration and there are no more conflicts’ (Noella, Runingu, May 2013).

‘A conflict was with the police and it happened that it needed to be transferred to the tribunal.... The members of the family came to the Baraza and the issue was transferred to the Baraza where there was a good reconciliation and now the two families live in collaboration.... For me this is a change, because no problem can be resolved at the police, and then when there is no solution there, we can transfer to the Baraza.... In fact, it is a collaboration between the administrative state authorities and the Baraza’ (Safari, Sange, July 2013).

‘When the ex-Mai Mai came to the village they had an attitude of superiority. They did not present themselves in a good way.... Since we spoke to them about a match of football between us, they now take us seriously.... We are all the time in contact with them and the distrust has diminished’ (Paul, youth, Swima, July 2013).

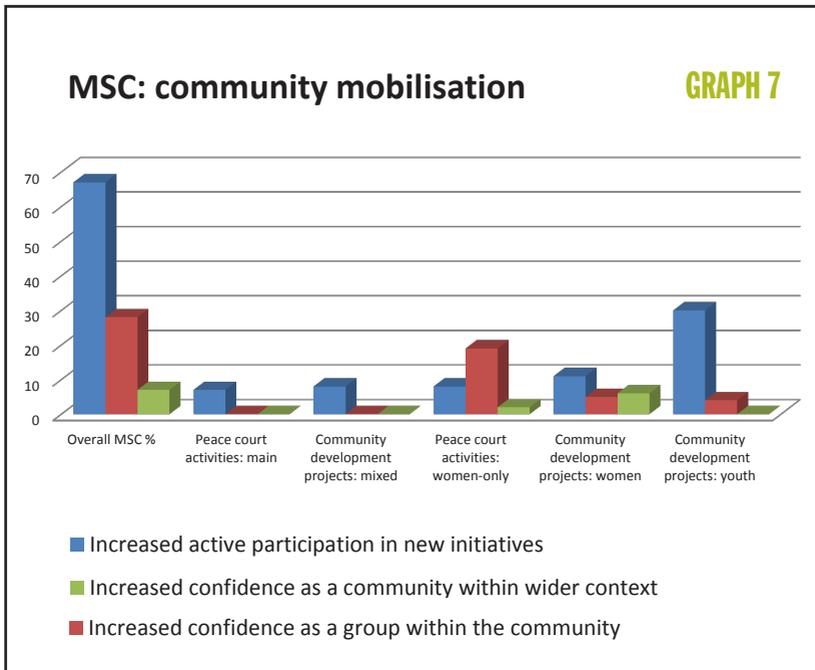
‘We successfully liberated the kidnapped Chief Daniel Ruhanika and the town avoided a senseless war.... After the kidnapping of the Chief by an armed group of Mai Mai, the mediation committee of our Baraza became part of the negotiation team.... We worked together with the other local authorities until the Chief was freed – because even the administrative authorities came to the Baraza team for negotiating the liberation of the Chief’ (Mushagalusa, Sange, May 2013).

and action, captured by MSC narratives in three principle areas: participation in new initiatives; confidence as a group within the community; and confidence as a community in the wider context. Graph 7 shows these areas and which activities have contributed to each change.

Notably, mobilisation most engaged youth. Given that youth are a high risk group for engaging in violence and joining militia, this should not be underestimated, and strategies to further harness this mobilisation should be explored when scaling up.

The chart also shows an increase in the confidence of women in the community, leading to greater involvement in community projects. Whilst there is still more to be done, it shows the catalytic effect on the people involved with the Baraza.

Increased confidence as a community within the wider context is also cited and predominantly attributed to women, but with emphasis upon their community development projects. In terms of FOCHI’s theory of change and project design, this was an unexpected impact of the Barazas upon the communities: but large numbers of MSC



BOX 9: MSC EXAMPLES OF ACTIVE MOBILISATION

‘Since our Baraza has existed, we have tried to meet and gather the women together to show them the importance of meeting to resolve our problems in the community.... We want to fight against the difficulties which we have in our houses and our community and even further away.... and we want to show the women how they can meet together for bettering the conditions of life in the community and see how to fight against poverty’ (Neema, Kiliba, July 2013).

‘We are already standing up for rebuilding in our community and the men are convinced about us, because they now say that the women have the strength to work for the good of the community’ (Suzana, Swima, July 2013).

‘We started our small market and agriculture project. At the first time the market worked well, but at the second time the women who did the small market ended up with a bit of a loss, but they still want to continue their activities.... We are already known by other women, who come from other places such as Bukavu and Uvira to visit us and see how we meet and gather together like this. It is significant because we have started our activities and are now known by other women’ (Neema, Runingu, July 2013).

narratives from women spoke of their pride that now women from other villages were hearing about their development projects, such as growing and selling manioc, rearing goats to sell, or even repairing roads. They wanted to be seen as an example of what it was possible for women to do, and wanted to encourage women from other non-Baraza communities to do the same.

This is indicative of active female empowerment, and further serves to demonstrate the extent to which the female peace court activities have worked as a catalyst for additional, unpredicted, impacts upon the women.

6d. Theory of change component 3: community mobilisation

So far the findings have shown that the Barazas reduce violence when conflict arises, and so enable greater collaboration and community mobilisation. However, as FOCHI's theory of change denotes, for this to have real impact, it needs to contribute to the well-being of individuals or else the poverty drivers of conflict will not be addressed. It is too early to know to what extent lives may be changed, but the following section does provide evidence that community mobilisation is taking place. Increased collaboration and an impulse for mobilisation have accordingly worked as a catalyst for development projects within the communities.

There are currently (September 2013) 526 participants involved in community development projects: 230 youth, 216 women, 75 ex-combatants and 5 men, with the Barazas of Kiliba and Swima the most active. Across project activities, this breaks down to the following:

Women-only projects:

- Electricity improvements (Luvungi 26 women)
- Animal breeding (Kiliba 20 women)
- Soap making (Kavimvira 20 women; Kiliba 23 women)
- Selling at market (Kigongo 20 women; Sange 20 women)
- Small credit sharing (Sange 19 women)

Youth-only projects:

- Grave digging (Kiliba 25 youth)
- Although there is only one project, the youth make up the highest number of participants across all other activities

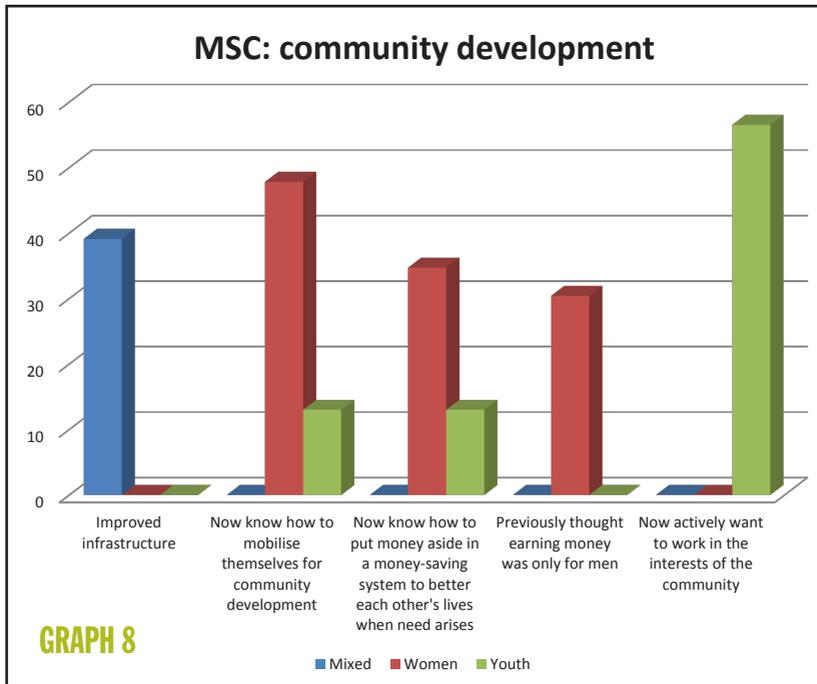
Mixed projects:

- Agriculture (Swima 23 women, 1 youth, 1 ex-combatant)
- Sport (Kiliba 36 youth, 2 women)
- Electricity improvements (Kavimvira 5 men, 3 women, 17 youth, 5 ex-combatants)
- Animal breeding (Makobola 5 women, 5 youth, 1 ex-combatant)
- Road rehabilitation (Swima 6 women, 27 youth; Sange 2 women, 6 youth, 2 ex-combatants)
- Bridge rehabilitation (Swima 10 youth, 5 ex-combatants; Sange 5 youth, 2 ex-combatants)

- Path clearing (Swima 10 youth, 5 ex-combatants; Luvungi 2 women, 11 youth, 3 ex-combatants)
- Transporting wood (Kiliba 1 women, 10 youth)
- Grave digging (Runingu 3 women, 8 youth, 14 ex-combatants)
- Brick making (Kiliba 3 youth, 12 ex-combatants)
- Cement making (Kigongo 10 youth, 3 ex-combatants; Kiliba 5 women, 5 youth, 2 ex-combatants)
- Market maintenance (Swima 5 women, 13 youth, 2 ex-combatants; Kiliba 6 women, 12 youth, 14 ex-combatants; Runingu 5 women, 6 youth, 4 ex-combatants)

These numbers are impressive and demonstrative of active and mobilised communities working to improve infrastructure and public services. The greatest impacts that these activities have had upon the community members themselves are captured in Graph 8.

Correlating with Graph 7, which showed the youth to be most mobilised, youth again are dominant here, actively wanting to work in the interests of the community. MSC narratives highlighted that



where beforehand the youth had refused work in the interests of the community without demanding money from passers-by, they now saw the benefits of helping out in their midst. MSC narratives from youth themselves explained that they had changed their attitudes towards helping in their community, and now actively wanted to work in its interest.

Ranked second at 48% is the fact that women now know how to mobilise themselves for community development projects; they also have a money-saving system so that they can help each other in times of need; and they no longer think earning money is only for men.

BOX 10: MSC EXAMPLES OF COMMUNITY MOBILISATION IMPACTS

'We have seen that the women cannot only wait for the men to do the activities of community development, and it is for this reason that we are meeting to start on our community field.... It is significant for us because the men neglect us and say that the women cannot work for money. We are very happy to do a community field for the women to work together and to show how the women can act in front of their men and even in front of the whole community. And we know now how the women can work also in the same way and in the same time as the men' (Malisawa, Luvungi, July 2013).

'Before this we couldn't do any community work without barricading the road and demanding payment from everyone who passed by. But now, thanks to FOCHI and through the Baraza, we work without asking anything for the good of our community' (Atuta* (youth), Swima, July 2013).

'We started a project of football matches between the youth of different areas. The football allows us to meet and discuss the small projects which we the youth can initiate for preparing to go back to school. The money that we earn through our sporting sessions is given to the group. I felt frustrated without having the means to go to school for the next year. Now, with the help of our club, every youth can take responsibility for the next school year' (Gaston, Kiliba, July 2013).

These three changes demonstrate the extent to which the Barazas have impacted upon their lives and facilitated a new sense of empowerment and independence. A further indicator of community mobilisation is that female empowerment was cited as the second most significant overall change after justice. With more than 50% of respondents citing female empowerment as a noticeable change, this is perhaps the greatest contribution to development the Barazas have made.

And finally, it is not just individuals who have gained, but the whole community. Improvement of infrastructures such as roads and buildings, the result of either peace court rulings or voluntary initiative, can also be seen as an important impact of community development.

The evidence that community development is linked to the Baraza

**BOX 11: CASE STUDY ON YOUTH DEVELOPMENT PROJECTS:
REDUCING VIOLENCE**

In June 2013, the Red Cross (ICRC) were finishing off their water project in Runingu. They asked the youth to look after the water fountains. The president of the Baraza youth group organised the group to guard the fountains against thieves, who might steal the rubber during the night.

Since then, the youth of the Baraza group at Sange have participated in mixed night patrols with the military. Ten youths circulate during the night with the military, to secure community facilities and the well-being of the population. This activity has stopped the actions of thieves and troublemakers. The population is satisfied and gives them sugar and coffee for their efforts.

This action has revived confidence between the population and state forces. A soldier in the night is no longer afraid because he is accompanied by a youth. Security is effective during the night and there have been no more cases of theft.

Today the youth do the night patrols, all the fountains still have water, and the people are happy with their work and the permanent availability of the water.

**BOX 12: CASE STUDY ON YOUTH DEVELOPMENT PROJECTS:
THEATRE FOR PEACE**

The youth of the Baraza at Luvungi initiated theatre activities on the theme of peace. They presented two pieces in the months of May and June 2013. The people were very happy and asked them to perform the pieces in public places. In this way, the youth contributed directly to the consolidation of peace in the community.

‘This changed the image of the youth. The youth were considered by the population as bandits and delinquents. Today, they are in the middle of changing this negative image and showing more and more to be the builders of peace’ (Rene, Luvungi, July 2013).

project is very encouraging for FOCHI’s theory of change. Interestingly, there is also evidence that components of FOCHI’s theory of change are being integrated into single initiatives, linking mobilisation, development and conflict reduction (see Box 11). This brings the evaluation onto the final component of FOCHI’s theory of change – sustainable peace.

6e. Theory of change component 4: sustainable peace?

In the course of the evaluation, Baraza community members would sporadically say things along these lines: ‘What is the good of a new building or road if the people who live or travel on it want only to kill each other?’

The final part of FOCHI’s theory of change is based on the assumption that if the Barazas can encourage collaboration and stimulate community development, this will contribute to sustainable peace by combining non-violent mechanisms for conflict resolution with approaches which reduce the poverty drivers of conflict, thereby fostering a resilience to violence.

Whilst problems in eastern DRC are huge, the situations in the Baraza communities do seem to be improving: in demonstrating the active engagement of the Baraza communities in reducing violent conflict in their midst, this must undoubtedly lead to, and produce, a more sustainable living environment.

When conflict arises in the Baraza communities today, the peace courts provide a successful alternative to the previous situation. Previously the options were either to go to the police (with its complex issues as highlighted earlier) or to resolve the conflict oneself, usually through violence. Once the latter happened, the issue was very rarely

BOX 13: MSC NARRATIVE OF YOUTH RESOLVING CONFLICT

'A conflict took place in a drinking house. Two groups of young people were disputing almost to the point of physically fighting. The first group of young people came from Uvira to watch a match. This group took a room in the house and, after the spectacle had finished, they began to fine all of the following clients 50c upon entry. When a second group of four people arrived, they were asked to pay \$2 – which they were not happy about and fiercely disputed.

As the situation began to degenerate, I decided to intervene in order to reconcile the two groups. I paid the \$2 myself and the two groups were reconciled. Once the situation was calm, a member of the group which had been asked to pay the \$2 arrived, and was astonished at my intervention and asked me who I was and demanded that the others all buy me two beers to say thank you.

In this area of Sange, the young people are widely known as troublemakers in every situation. A small confrontation like this between two groups can often degenerate into an incident... I had an intuition that this confrontation could become very big and include many deaths, and the most vulnerable were the group from Uvira. I knew I should intervene with the utmost urgency' (Gustave, Sange, April 2013, youth member of Baraza mediation committee).

resolved and, instead, often served to ignite a cycle of violence that could last for years and hurt or even kill many people. The many MSC narratives attesting to new understanding for, and appreciation of, the benefits of non-violent conflict resolution exemplify a significant attitudinal change towards conflict, violence and justice as a result of the Barazas. This created a momentum for peace outside of the Barazas, as shown in Boxes 12 and 13.

It has been shown that there is a greater level of trust and collaboration both within communities and between communities and external bodies. That there is increased confidence and self-empowerment as a community, and also as groups within the community, has been expressed by community members themselves. That there is development at the community level is evident in the many cases collected over the previous months. And as a result of these activities, it can be seen that a slow process of attitudinal change has begun with regards to women and ex-combatants, in addition to that towards conflict, violence and justice as highlighted above.

However, 57.1% of Baraza communities maintain that they still feel insecure (figure taken from semi-structured focus group questions on security). But equally, 85.7% of the same communities claim that the Barazas have had a positive impact. This suggests that, with combined efforts and active engagement, the challenging task of justice in rural villages across eastern DRC can slowly, step by step, succeed.

The evaluation has shown that FOCHI's theory of change is sound, and there is evidence to show that their work has acted as a catalyst at the community level, creating a momentum for peace. However, in a context as complex as DRC, 'sustainable peace' is perhaps best looked at using the CDA 'Reflecting on Peace Practice' indicators. These identify five key indicators where peace projects can have an impact at large, suggesting that scaling up the Baraza initiative has the potential to impact on the wider peace:

1. Creating a momentum towards peace by causing local people to develop their own peace initiatives

There is evidence emerging that the communities are now engaging in their own peace initiatives and that the Barazas are looking to extend their reach to other communities, independent of FOCHI. It is expected that these initiatives will grow as the Barazas continue their activities.

2. Creating or reforming political institutions for them to constructively handle grievances (where such grievances drive conflict)

Whilst there is evidence of greater collaboration between the state courts and in some cases the police, it would not be possible to say that this project is ‘reforming’ these institutions. However, the Barazas have been developed in collaboration with (as opposed to in parallel to) the state justice systems. The magistrate is referring cases back to the Baraza, providing training for the female courts; and at the start of this initiative, FOCHI met with the Minister of Justice in Kinshasa. In that sense, the Barazas are not so much reforming these institutions but rather filling the gaps and making justice more accessible to the masses. The end result is that some of the grievances associated with the justice system are being handled constructively with the knowledge and, at times, the support of government institutions.

3. Increasing people’s capacity to resist participation in violence

Throughout the evaluation, there is evidence of attitudinal and behavioural change creating a resilience within the communities to resist violence.

4. Increasing people’s security and their sense of security

There is limited evidence that the Barazas have improved security beyond low-level violence at the community level, and communities continue to experience huge and complex external pressures that undermine security. Nevertheless, improving intra-community violence and mobilising communities to support the reintegration of ex-combatants is a valuable activity. It remains to be seen how much the Barazas can influence violence beyond their own communities, and this is something to be evaluated when more time has passed.

5. Meaningfully improving relations between groups

So far this is largely confined to intra-community relations, although the Barazas have ambitions to reach out to other communities. The success of the pilot project, so far, suggests that it could have a meaningful impact on inter-community relations.

In conclusion, therefore, the alignment of the above indicators with the Baraza peace project, in addition to the evaluation preceding it, shows that FOCHI's theory of change for Baraza justice is based upon a clear rationale with the potential to expand. As a successful provider of justice, it can be seen as complementary to national justice institutions, for both types of structures are needed in lowering levels of violence across eastern DRC.

However, one of the most important impacts from the Baraza initiative has been an increased sense of female empowerment. Although briefly mentioned in the evaluation, this was not analysed in any great detail, because it is absent from FOCHI's specified theory of change. Yet rather unexpectedly, the Baraza initiative has acted as a catalyst for female empowerment, and, as a result of the women's group, the community development projects and all-female peace courts, this empowerment, in a wider-context view, can be seen as one of the most important impacts to result from the Barazas, second only to the successful provision of justice within the communities. As empowering women is an integral sign of sustainable development (UNECE 2012), the success of this particular all-female court structure could be one of the driving factors to enable significant Baraza scale-up.

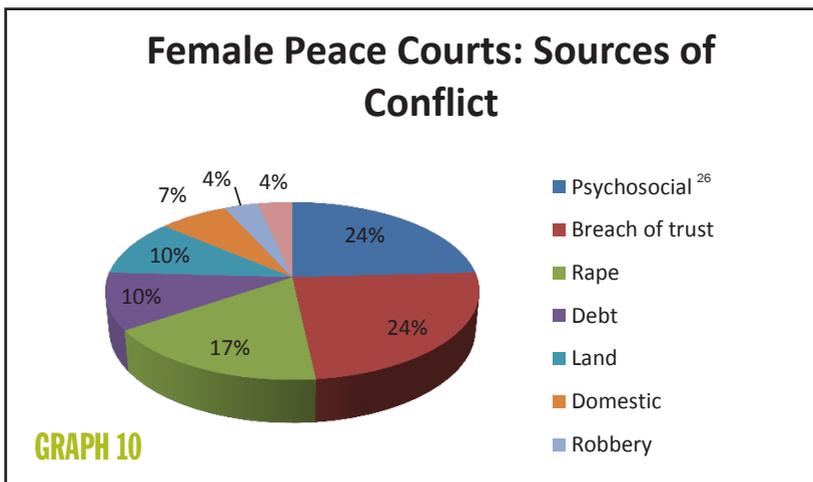
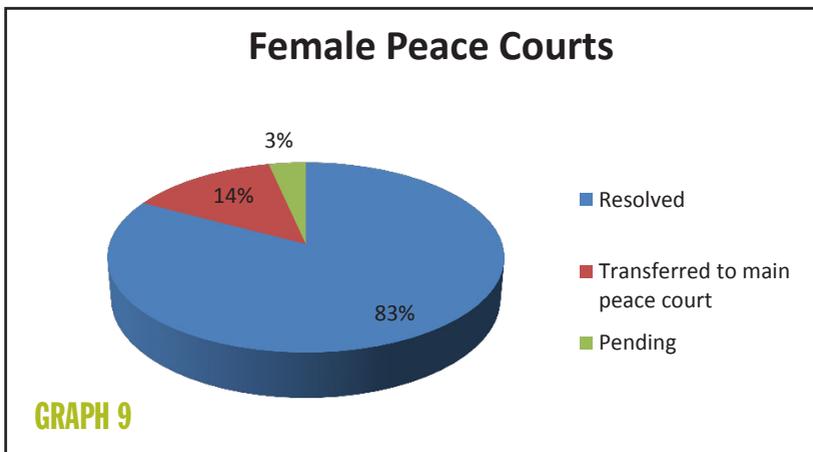
6f. Unexpected impact: female empowerment and Barazas

Once the women's groups are solid, a vital element within the framework of providing Barazas with skills in conflict resolution has been to ensure that the women are equipped with some basic knowledge of their rights. Twice-a-month field visits to each Baraza by FOCHI's gender department over the past five months have ensured not only that the women are now able to resolve conflicts themselves, but also that conflicts addressed by both peace courts are influenced by a new engagement with gender sensitivity. A one-day training on conflict resolution skills and women's rights for each Baraza was held by a female magistrate between the 9 and 11 September 2013, the first formal training for the women since the recent establishment of the all-female Baraza peace courts in May 2013.

Nonetheless, in the preceding months the women had been taught some skills, both by the mediation committee of their respective Barazas and by FOCHI staff, enabling them already to begin resolving

conflicts. In the four months between May and August 2013 the female peace courts addressed 29 cases, as shown in Graph 9.

The high percentage of cases resolved shows that the all-female peace courts are acting effectively. The majority of cases were between women, but for issues of rape (mostly marital rape), threatening behaviour and domestic conflicts, they were between men and women.



26. 'Psychosocial' involves any conflict in the community which causes mental distress to the women, and often involves threatening behaviour. Conflicts between women make up the greatest portion of this.

Ibrahim from FOCHI talking to the women's group at Kigongo



Rape was also the principle reason that cases were transferred to the main peace court, seen in Graph 10 as the second highest cause of conflict, at 17% during the four months of evaluation.

In terms of addressing cases of rape, this Baraza approach can understandably appear to fall far short of human rights standards or of adequate punitive or reparative justice measures for both perpetrators and survivors of rape. The issue of rape and impunity in DRC is one of the most criticised amongst the international community (Amnesty International 2003/2011; Enough Project 2012; International Bar Association 2009; Open Society Foundations 2013; Douma and Hilhost 2012). Conviction levels are notoriously low for rape by security forces (armed groups, police and military) or by state and non-state influential figures (magistrates, local leaders, etc); but rape by another civilian (known or unknown) is even lower, and conviction for marital rape is almost unheard of (Amnesty International 2011). It could, therefore, be seen that the Barazas are filling a gap in the system, and even this apparent low-level punishment is better than nothing at all; although it in fact, arguably, provides a better service than if the state were operating effectively and sending men to prison for marital rape.

It is important to note here, however, that so far (September 2013) it is exclusively cases of marital rape that have been brought to the Baraza courts. It is also the viewpoint of the researcher that the Baraza

would not provide adequate measures for any other forms of rape. Nonetheless, it can be seen that opinion on accepted forms of punishment/reparation are changing: when analysing rape in Fiji, Sally Engle Merry (2004) highlights that forms of local justice can in fact be seen as more effective than state ones, for public apology and community shame, etc, can work to have a more profound and longer term impact in terms of community cohesion and stability.²⁷

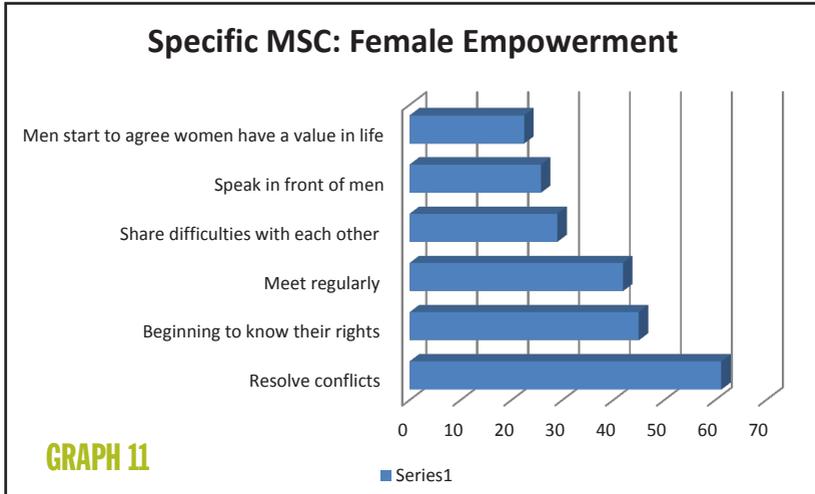
Controversial as this viewpoint is, it does in fact echo conversations with women during the course of evaluation. Many women firmly stated that they did not want their husband to be sent to prison for a few years: this would leave them alone, at the mercy of other men, and ensure that their husband would come back angry, and most likely ready to rape again. Instead, they wanted attitudinal change towards the acceptance of marital rape. If, for example, their husband was publically shamed within the community, forced to live with a neighbour but returned each day to cook, clean and look after the children (women's work), they felt this would act as more of a deterrent and enforce an attitudinal change towards the acceptance of marital rape. And rather than leaving them alone to work even harder, it also meant that they would benefit from their husband's help with the family and work.²⁸

A second point of note here is that the reason cases of rape are largely transferred to the main peace court is that, in order to ensure that the process has an effective and deterrent impact upon the man, it is deemed necessary that he is publically shamed in front of his culturally-determined equal – other men, rather than women only. Similarly in other cases, if a man refuses the judgement of the all-female peace court, the case remains unresolved and is transferred to the main peace court. Both these points can be seen as reflective of the relationship and status between the two courts: in order for the all-female peace courts to be successful, it is imperative that they are backed up by the main court, without the support of which they lose their legitimacy and respect within the community.

It is therefore important that the main Baraza peace courts are well established and accepted within the communities as all-inclusive structures led by groups of influential men. Once successfully operat-

27. *This does not include local punitive forms that cause injury or death.*

28. *It is important to note that the Barazas are not in any way equipped to offer medical or psychological support to survivors of rape.*



ing as peace courts, they can then add the all-female courts. In this way, these courts appear less threatening to culturally-defined and accepted norms of female inferiority and subservience, and women are thus permitted, step by step, to take a more active role in the community.

A further point of note is that even though rape was the principle reason that cases were transferred to the main court, this did not lessen how important it was that they were initially spoken about in the all-female court. It was here that the women were able to explain in detail about their experience to other women and, if then transferred to the main court, the President of the all-female court transmitted only the names of the parties involved and no details of the incident. Only the man was obliged to attend the main court hearing, which was influenced by the impressions and opinions of the all-female court committee who had heard the story first hand, verified it, and passed their preferred ruling onto the main court, via their President. Fulfilling the terms of the ruling, however, which always began with a public apology, was very much a public affair in front of the whole community and influential leaders.

Graph 11 shows the specific impacts that the all-female courts have had upon the women, changes and statistics captured through MSC narratives.

At 61%, resolving conflicts is viewed as the greatest impact of peace court activities, indicating that the women are very much aware of,

and actively engaged with, their women-led processes of conflict resolution. That 45% recognise they are beginning to know their rights also demonstrates a keen commitment to increasing female empowerment and independence. Important to note here is that, although FOCHI-led rights awareness-raising is largely held with the women's groups, they have also begun incorporating aspects of it into their twice-monthly field visits and meetings with the main Baraza members. This is to ensure that the men are equipped with some basic rights knowledge and so enable an increased acceptance of female equality within the community, impossible without the support of influential men. Although at the time of evaluation this increased equality had only been observed within the framework of Baraza activities and not as yet applied to daily life outside of it, it is predicted that if both the all-female peace courts and FOCHI's awareness-raising continue in their activities, then this will also start to translate into parts of daily life.

The third most significant impact (42%) was that women now meet regularly. In terms of FOCHI's Baraza project design, this was an unexpected benefit of the peace court, and certainly, both MSC narratives and speaking with women during the course of evaluation attested to the importance of this. Whereas beforehand they were unable to meet regularly as a group, their peace court activities had now afforded them legitimate reasons for taking a few hours away from their house duties each week, during which time they share their secrets with each other and give each other support, advice and confidence to meet the daily struggles common to them all (the importance of sharing difficulties with each other is the next on the chart, at 29%). This was actively, and repeatedly, expressed by women throughout the course of the evaluation, who stated that the confidence gained from meeting regularly, and being introduced to their rights by FOCHI, was enabling a new sense of self-worth that had been absent.

The last two items on Graph 11 identify changing relationships between men and women that have resulted from female peace court activities. That women are now able to speak in front of men within the framework of the Baraza is becoming increasingly permitted, whilst some MSC narratives speak of new allowances for women with regards to reading aloud passages from the Bible in front of the whole community. Events such as this have contributed to women sensing that men now agree that they have a value in life, ranked last on the graph at 23%.



This statistic was taken from MSC stories narrated by women, so it would be interesting to re-evaluate this point in the future, once the all-female peace courts are more established, and gather results from the men in order to see if they correlate with this perception.

The quotes in Box 14 are taken from MSC narratives and add colour and context to the previous statistics.

During focus group discussions, high priority was given to having a space for women to meet and discuss their problems: more so, perhaps, than resolutions of conflict. However, as a local leader in the focus group at Kigongo said of women meeting regularly: ‘If women know how to do this, then they will be able to resolve conflicts.’ So the question is not that conflict resolution becomes less important, but that in order to effectively address conflicts, it must happen within this framework. Thus it is clear that, for the female peace court activities to be sustainable and have an increasing impact, the women must continue to be supported to meet regularly, by both FOCHI and the main Baraza. This aspect appears to be the most important factor by which the success of their peace court activities are determined.

When addressing the issue of women and rights, the focus groups further highlighted an important aspect. A number of (male) local leaders and (male) community members equated awareness of women’s rights with awareness of their duties, and a religious leader, again

BOX 14: MSC EXAMPLES OF FEMALE BARAZA IMPACTS

‘It is significant for us because the women now come together for talking about all that happens all the time, and talking about their sense of ownership and rights for themselves’ (Jirani, Kiliba, July 2013).

‘The most significant change for our Baraza? The women had the mentalities of the village and did not want to change the mentality and change their manner.... The women have started to change their attitude so that their children will do what their mothers do and want, because the women are also educators for their children and change their mentality and their attitude, so that they now start to understand that they also have a very important value in social and community life’ (Sifa, Kiliba, July 2013).

‘We sometimes had conflicts of women and went to the main Baraza for resolving them, but the other women were ashamed to expose their problems in front of everyone.... 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).

‘Our husbands are starting to understand that, even in their absences, the women can do the work or the office, speak in front of the community and in front of the authorities, such as the police, administrative and others.... and even actually, the men start to call us to meetings now when they are resolving conflicts without violence’ (Mateso, Makobola, July 2013).

during the Kigongo focus group, said: ‘Sometimes the women do things wrong, such as in the house; but when they know their rights, and this means duties, then they do the right things and the situation

is better for everyone.’ This again emphasises the context within which the peace courts are operating, and shows the importance of not appearing too challenging to culturally-accepted gender norms. It is therefore imperative that influential men are not seen to be disrespectful, and that they are encouraged to see the benefits of female equality, perhaps in terms of economic profitability.

The focus groups were also very useful for witnessing the collaboration between Baraza members themselves, as they discussed changes and decisions made as a result of much debate, dialogue and listening to each other. Members also pointed out that this had not been possible before, as the women had been sidelined, but Baraza activities had now enabled them to be a part of such processes.

6g. Local authorities and Barazas

Focus groups were also held with FOCHI and the local authorities, in order to ensure that these key stakeholders considered carefully the findings of this research, and also to create a full circle, where FOCHI would feed back the local authorities’ selection of most significant changes to the communities. The MSC cyclical process not only worked as an effective tool to make this peacebuilding and learning process between the different project stakeholders stronger, but also provided additional information relevant for evaluation. In particular, the focus group discussions with local authorities during the final weeks of evaluation produced feedback for, and external validation of, the Baraza initiative.²⁹

The majority of their feedback was positive. In terms of providing successful justice, one local leader at Luvungi, a member of the group of city sages, directly linked the Baraza to the reduction of conflict in the community:

29. *Focus groups with local authorities comprised local and religious leaders such as city chiefs, a lawyer, heads of ethnic groups, village chiefs, customary chiefs and members of groups of city sages – all of whom were based in Baraza communities yet the majority of whom were not members of the Baraza itself. Although we wanted to involve more local authorities, it was decided this would not include the police. This was due to the high level of corruption claims that were made throughout the MSC story collection, which, although clearly an important issue, was thought to be one that would complicate and ultimately detract from the overall evaluation objectives.*

‘Slowly, slowly, people are starting to come to the Baraza. The more they come, the more conflict reduces. Most people do not have the money for the transport, but the Baraza helps with this and also training in the resolution of conflicts. It is a very good thing’ (Ibrahim,* Luvungi, September 2013).

More surprising, however, was the statement from the village chief at Makobola, who explicitly stated:

‘They do not go to the tribunal, which is a very new thing, and this is because they have trust in the Baraza. Before-hand, they also went to the customary chief, but no longer do so. We have had so much violence and war here that the Baraza has shown us how to reconcile people in a peaceful way’ (Georges, Makobola, September 2013).

This chief clearly encouraged the use of the Baraza, over that of the state institutions or traditional leaders such as himself. This was unexpected, for in terms of conflict resolution, MSC narratives and case studies had repeatedly linked local leaders with obligatory payment. When asked about this further, he readily agreed that although this was indeed the usual case, he had witnessed such persistent success at the Baraza peace court that he felt he could no longer claim to provide the same service to the community.

As positive as these sentiments were, however, they were neither welcomed by the other members of the focus group, nor repeated during any other session with local leaders, even when asked. This can be seen as corroborating with the qualitative data (MSC and case studies) linking the provision of justice by local leaders with obligatory payment which they would be loath to lose. It was nonetheless encouraging, and perhaps indicates that, with concerted efforts on the part of Baraza members, local leaders could slowly be encouraged to see the benefits of two options: either the peace courts acting as principle providers of justice in the community; or traditional leaders such as themselves continuing to assist in conflict resolution processes but without making demands for payment.

However, when questions were not centred upon the either/or benefits of Barazas over traditional leaders, the local authorities were consistently positive about Baraza impact in the communities, as long as they continued alongside their own activities. In terms of overall most significant change arising from the Baraza, the majority of local authorities chose ‘justice’. As one Chief stated: ‘Once this is achieved,

everything else is possible, such as development and rights and such things' (second in command of the city, Sange, September 2013).

In addition to 'justice', however, two local authority groups chose community development, one chose 'female empowerment' and another 'collaboration'. This is indicative of how the Baraza peace court activities are viewed by the local authorities, the traditional village leaders with most power. It suggests that they are in fact responsive to accepting a wider range of community impacts than those purely confined to traditional concepts of courts and justice; and that they are actively recognising, permitting and encouraging the Baraza impact as a catalyst of further change within the communities.

Discussion amongst local authorities also focused heavily upon the role and importance of the collaborations resulting from Baraza activities, with most emphasis upon that between men and women: 'They construct the family, and the family is the basis for the whole community' (Jean Claude,* Kigongo, September 2013). Nonetheless, although it was a positive indication that talk of women's rights (alongside those of their duties) was such a focal point, it remained within a specific framework:

'Women also now work in public and state institutions, so if the community is collaborating with the authorities, this means that they are also collaborating with women. And it is good that women now work in these institutions: women were created from men, and men were created from God. So it is only fair that they are included in these positions too' (Bonhomme,* Makobola, September 2013).

Certainly it can be seen that influential men are slowly becoming more open to new levels of equality with women. However, as the second-in-command after the Chief of the City at Sange pointed out: 'Women are blocked because they don't have the rights to take on certain roles.' Thus, although collaboration between men and women is an important step in gender equality, the female empowerment which many Baraza members are searching for will clearly only be possible within the framework of Baraza activities (such as regular meetings followed by cases of conflict resolution) and development projects, which do not appear too challenging to culturally-accepted gender norms. It is important to reiterate that these influential men do not feel disrespected, and they are encouraged to see the benefits of female equality, previously suggested in terms of economic profitability.

The majority of local authorities were also adamant that in terms

of collaboration, the collaboration between communities and ex-combatants was the second most important to result from the Barazas: ‘This is very important for the whole community. Without this collaboration, it is dangerous for everyone’ (Dunia,* Swima, September 2013). Interestingly however, one leader said that the only reason he was choosing this and not the collaboration between community and local authority was because ‘they should naturally be collaborating together anyway, and not waiting for the Baraza to help them do this’ (second-in-command of the City, Sange, September 2013).

As noted before, the levels of collaboration between communities and local state authorities was very context-specific, and both the local authority groups and communities agreed upon the geographical areas of least interaction and trust between the two. The villages across Uvira territory and on the Plain of Ruzizi recorded zero level of collaboration, in contrast with those of Fizi territory. This would suggest that FOCHI should begin to focus its energies across these villages. On the other hand, they explained that, within communities lacking confidence in the police, there was a greater level of collaboration with alternative local authority figures, such as village chiefs or religious leaders: these are figures with whom FOCHI could perhaps increasingly engage, to ensure that Baraza communities operate as all-inclusive structures and are therefore viewed as more established, and more officially acceptable, in the eyes of local state authorities.

This point is relevant if FOCHI wishes to expand its Baraza projects further. If scaled up, its success will be very much determined by the level of local state authority involvement and support. As such, FOCHI needs to re-evaluate and formulate a plan for stimulating increased active engagement between the communities and local state authorities. This could be by way of these traditional local leaders.

Overall, however, focus groups with local authorities produced, for the most part, positive external validation for the provision of justice by the Baraza project, whilst also highlighting areas of further focus for both FOCHI and the Baraza members. In particular these included: the lack of trust in police, military or magistrate bodies; the importance of men and women collaborating; and a concern that Baraza peace court activities may lose them revenue.

7. COST-EFFECTIVENESS

As no project is exactly the same as another, and generally cost-figures are not available, it is difficult to compare cost-benefit of Barazas with other justice programmes. Section 3 listed the costs required for national justice processes, whilst the following sections on evaluating Baraza impact reflected the various difficulties faced by communities across rural eastern South Kivu in accessing this justice. We can attempt to compare these with some alternative approaches.

Firstly, the mobile courts backed by international agencies: open sources on the cost of a typical, two-week mobile court suggest it costs \$45,000-\$60,000, during which time the court can hear about 15 cases; this translates into \$3,000-4,000 per case and includes the transportation and accommodation of judges, lawyers and support staff to remote areas (Maya 2013). Secondly, informal discussions suggest that national organisations such as the Commission of Justice and Peace show interventions to be in the region of \$15,000. Third, a pilot programme in South Kivu by the Bukavu-based Congolese Initiative for Peace and Justice (ICPJ), working to promote peace and justice in a non-violent struggle against impunity, will use a variety of different approaches to establishing justice mechanisms at a rough cost of \$9,000. And finally, local organisations such as Arche d'Alliance estimate running costs per project at \$5,000.³⁰

FOCHI's current working budget, on the other hand, is \$2,000 per Baraza per annum. For a current total of nine Barazas, this gives an annual budget of \$18,000. This covers the follow-up of Baraza gatherings and peace court sessions; transport and communication of staff and volunteers; training and capacity-building of Baraza members; the rent of courts and Baraza spaces; media and other advocacy means such as theatre, radio programmes and monthly bulletins; and M&E.

Calculating approximately six peace court cases per Baraza per month, the total costs per case amount to \$27 (none of which is paid by those caught up in the conflict). Therefore, considering the number of cases successfully resolved over the past three years, and in

30. Although it was attempted to find exact figures for these projects, a lack of public information and understandable reticence of sources to be cited meant that the figures are those given during informal conversations and cannot be adequately referenced. As such, the author takes responsibility for their citation here.

particular those addressed during this five-month evaluation period, it is an extremely cost-effective approach that has benefited the lives of over 15,000 people.

This comparison is not to criticise the other approaches whatsoever. Yet it indicates that this model can, for relatively little cost, complement other efforts to provide justice – and can provide a breadth that would be very expensive for other approaches to provide.

Clearly the Barazas are not suited to deal with all crimes, such as murder. So they are not completely comparable to those that do, such as the mobile courts or national justice institutions. As previously noted, the Barazas' focus is addressing conflicts that arise from land rights, accusations of sorcery, robbery, rape, injury of person/property, domestic violence, public insult, intimidation/aggression, adultery, lending/borrowing money, issues of heritage, breach of trust, and the spreading of rumours.

Nonetheless, these are daily conflicts with significant consequences, for an accusation of sorcery or conflict over land can very quickly flare up into violence and result in serious injury or death. Following this event of injury or death, the case costs of the addressing institution would inevitably be high and drawn out over a long period of time (as outlined in section 4b). In terms of cost-effectiveness, therefore, if the Baraza can successfully address these 'less serious' cases before they become violent and injury or death occur, then not only will there be a decrease in these events (most important), but also less money will be needed for addressing such cases. Although its current impact is admittedly small, if the Baraza project were to be scaled up it could make a significant impact in terms of providing a cost-effective service, complementary to other justice efforts in the region.

8. CHALLENGES AND LESSONS LEARNED

In the course of the external evaluation (2013), FOCHI staff summed up what they had learned, in five points:

1. They emphasised the challenge of sustained community participation, when distances from the Barazas and daily living activities can make this problematic. Although the majority of Barazas are centrally placed within their community, many of

the members are also teachers, religious leaders or women who must spend hours each day working in the fields. Maintaining cohesion between these many activities has proved to be a challenge in terms of sustained Baraza participation.

2. The Baraza model is viewed as a source of competition by the police, as people are taking their problems to them less and less and thereby causing them to lose money. (This is because each time a case is brought to the police, it is accompanied by payment of some kind.)
3. Attempting to ensure a system of justice in which power struggles have no place, and where everyone feels treated equally, is a constant challenge
4. Although the creation of female-only peace courts has afforded women a previously denied chance to speak freely, this participation is not welcomed by all members of the communities. A number of men have found this new-found confidence a challenge to their authority, and difficult to accept.
5. In some places, tribal differences and lack of trust between ex-combatants of different groups causes problems in the reintegration of ex-combatants through the Baraza framework.

Based upon these lessons learned, FOCHI has slightly revised its model. The main additions are:

- So that the police do not view this model as a source of competition, FOCHI will continue to increase local authority collaboration and participation in contexts seen as favourable to this. However, this will involve a concerted effort on their part, and FOCHI is aware that this factor perhaps poses the greatest challenge and difficulty to plans of scaling up.
- All-female activities will only begin once the main Baraza with its group of influential men is established, and will not attempt to enforce this issue until these members are at ease and open to developing new ways of interaction with women.
- So that the increased empowerment of women within the communities is more widely accepted, FOCHI will work on: training of women leaders; regular bringing together of women; and sustained and contextually-relevant awareness-raising for the men on the added community benefits of female participation in activities and decisions.
- In order that everyone feels treated equally in the peace court

hearings, FOCHI will ensure that the Barazas consistently hold reconciliation ceremonies in front of whole communities and associated religious and tribal leaders.

- To ensure consistent community participation that sees men and women gathering regularly, FOCHI will assist the Barazas to fix a regular day for meetings each week, in the same place.
- To address the low participation of some ex-combatants in various activities, FOCHI will try to work with each group separately before slowly bringing them together in mutually-beneficial projects

9. SCALING UP

As part of an internal approach to scaling up, Peace Direct has secured funding to scale up FOCHI's work with the Barazas. It is currently in the process of increasing the Barazas by an additional five, taking the total number of Barazas from nine to 14, with female courts integrated into all of them. FOCHI's ultimate goal for Baraza expansion is to cover all seven territories across South Kivu, with 25 Barazas per territory, totalling 175 Barazas.

Introducing radio clubs

FOCHI is beginning to experiment with the model of radio clubs that has been used successfully on a large scale by Peace Direct's partner CRC in North Kivu. These clubs are interactive broadcasts between communities and can be used to promote self-help initiatives, such as the Barazas, on a wider scale. This can increase cross-community knowledge-sharing for conflict resolution strategies, and allow communities far away from each other to actively engage with and learn from each other.

If FOCHI is to realise its goals of Baraza expansion over all territories in South Kivu, it will be imperative that they are connected to each other in a 'peace network': a single Baraza in a rural area will not have the same impact as one that is actively connected to others across the region. Information that is passed in this way can be framed either as warning for impending conflict, or as advice and support

once conflict is underway. In this way, the higher the number of ‘peace networks’ which exist between communities, the more conditions will be created that are less conducive to violence, enabling the Baraza network to work as an effective tool for conflict prevention.

Aggregating outputs across a number of organisations

As part of an external approach to scaling up, there have been suggestions of collating the work of complementary local peacebuilding organisations in order to show collective impact. The rationale is that 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 to local peacebuilding

External scaling up would also be made possible if more resources were channelled to locally-led initiatives across eastern DRC, most notably North and South Kivu. In seeking to demonstrate the advantages of community-led conflict resolution, this case study also hopes to highlight the Baraza approach to justice as an effective tool for conflict prevention: emerging conflicts are quickly identified and addressed before they become violent, whilst the establishment of trust and collaboration between different parties creates an environment less conducive to intimidation and violence. Thus it is believed that an increase in resources to similar local initiatives would impact favourably upon preventing conflict, and therefore reduce the costs of responding to violence once it has emerged.

10. CONCLUSIONS AND RECOMMENDATIONS

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 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 in rural environments that lack state institutions of justice. It is essential that this includes a serious assessment of existing local capacity (in terms of what people can do, not in terms of how they fall short of Western standards), and that roles and responsibilities are allocated based on results-based evidence and cost-effectiveness. In this way, the optimum combination of international, national and local resources and expertise will be deployed, and justice procedures will have a much greater chance not only of succeeding in reducing violence, but also of contributing to wider development and ultimately sustainable peace.

The recommendations for next steps are as follows:

1. In order to scale up the Barazas and increase their impact significantly, 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 and actors (such as the police and magistrates) would increase their legitimacy – and indeed the success of scaling up will be largely determined by the extent to which this happens. A possible method of increasing local authority involvement could be for FOCHI and the Barazas to develop a concrete and contextually-determined strategy that emphasises the positive impact of the Barazas on the local authorities, one which could be taken to them for open discussion.
2. To maximise accountability for more complex cases, the Baraza mediation committees should be trained in some basic knowledge of national constitutional law. This would work as an effective tool in increasing collaboration with local authorities.
3. The development of a list of guiding principles for the Barazas would establish consistency and common structures between them, although peace court decisions would continue to be determined on a local-level individual basis. This would be especially important if FOCHI's plans to scale up to 25 Barazas in each of the seven territories of South Kivu were to be realised.
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 that support

peace courts could show collective impact and promote more widely the importance of what is inevitably a very 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.
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. This should be linked to community driven development projects.
8. This work should continue to be evaluated, adding a comparative analysis with communities where FOCHI has not worked³¹ and using other M&E tools to complement the approach used here. In particular, tools should be used that identify what has not changed, as the MSC approach tends to focus on what has changed and can give an overly positive view of a project.

11. ANNEXES

11a. The MSC model as part of a peacebuilding process

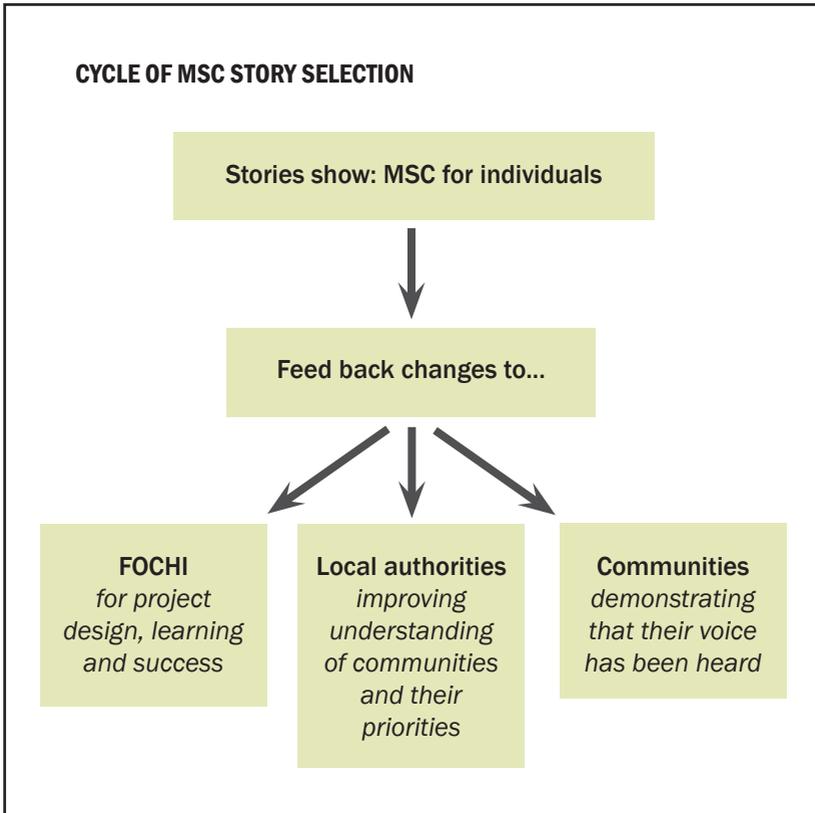
As the section on ‘collaboration’ shows, there has been improved communication between the communities and the local authorities as a result of the project. However, this needs to be encouraged more. One way to achieve this is the MSC process itself.

During the final week of evaluation, the most popular changes identified at the community level were presented to FOCHI and then the local authorities. This forced both FOCHI and the local authorities to read through the most significant changes identified by the community. In doing so, they had a better understanding of the priorities and changes at the community level. For FOCHI, this helped to refine the project and improve its work. For the local authorities, it provided a communication link, raising awareness of the community priorities

31. FOCHI has been approached by communities which have heard of the Barazas, requesting that FOCHI sets one up in their community. This would suggest that a comparable analysis would find the Barazas have added value.

and how the changes can benefit the authorities, and gaining their support. The authorities then selected the changes that they found most significant and these were fed back to the communities.

This process of feedback encourages greater interaction between the authorities and the communities. It ensures that the authorities hear positive changes at the community level and that the communities know their voices have been heard by the authorities. The next step would be to bring the authorities and communities together to discuss the findings and find mutually beneficial ways of strengthening the project.



11b. Example of MSC story collection template

MOST SIGNIFICANT CHANGE (MSC) STORY COLLECTION: BARAZA

FOCHI

Background

The Coordinators and Field Staff would like to capture stories of significant change that may have resulted from their work with the Baraza in this region. This will help us to improve what we are doing, enable us to celebrate the successes together as well as being accountable to our funders.

The stories and information collected from these interviews will be used for a number of purposes including:

- *To explore what Coordinators and Field Staff together with the Baraza in this region have achieved already.*
- *To help Coordinators and Field Staff understand what people in the Baraza value, and support more of these sorts of outcomes.*
- *To acknowledge and publicise what has already been achieved.*

CONTACT DETAILS

Confidentiality

We may also like to use your stories for reporting to our funders, or sharing with other people in the region – such as other people in other Baraza groups.

Do you (the storyteller):

- Want to have your name on the story (tick one) Yes/No
- Consent to us using your story for publication (tick one) Yes/No

more follows

Name of storyteller*

Name of person recording story.....

Location.....

Date of recording.....

*(*If they wish to remain anonymous, do not record name or contact details, only write 'Baraza Kiliba no.1'/'participant' etc.)*

QUESTIONS

1. Tell me how you (the storyteller) first became involved with the Baraza and what your current involvement is?

2. From your point of view, describe a story that shows the most significant change that has resulted from the Baraza here:

3. Why was this story significant for you?

4. How (if at all) has the work of FOCHI Coordinators and Field Staff contributed to this?

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Lessons can be learned from this cost effective and sustainable model for countries that suffer violence. The ability to rebuild the fabric of society is a key foundation for peace. By building resilience to violence, communities are better able to transcend periods of instability – a critical step along the fragile route to lasting peace.