Overcoming a Violent Past: a Transitional Justice Approach to the Reintegration of Former Child Soldiers into Their Communities

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There are thousands of young children the rebels have taken from their parents, suffering. . . There are many people without a place to sleep or anything to eat. So to anyone who reads this, my question is: what can we say and do for the thousands and thousands of young people. . . who are still suffering?

My question remains to the one who reads this and meditates over it.

      Janet, fifteen, former child soldier.[1]

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[1] Ehrenreich, R. & Thonden, Y. (1997). *The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda.* Human Rights Watch.

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| **Introduction**

The twenty-year-old war between the Ugandan government and rebel group Lord Resistance Army (hereafter: LRA) has left its scars on Northern Uganda as a whole. Villages were destroyed, communities vanished, and millions of people were placed in refugee camps. On top of that, the LRA had one of the biggest disruptive practices in war: the use of children as soldiers. *The Civil Society Organizations for Peace* estimated that in the course of twenty years, roughly twenty-five thousand children were kidnapped and trained to commit atrocities. (Eichstaedt 2009, 49). Since the 2006 truce agreement between the LRA and the Ugandan government, thousands of them have returned to refugee camps awaiting their fate. They were kidnapped as victims, but returned as perpetrators too. To give them back at least some of their childhood, returning to normal life as quickly as possible seems to be the logical next step. But the violent past of child soldiers makes that a hard task, especially if the community to which a child soldier belonged is a victim of that same violence. How can a community overcome the friction between child soldiers as returnees and them being responsible for crimes done to the community?

In this thesis, I will analyze if the concept of transitional justice, the full range of processes and mechanisms associated with a society's attempts to come to terms with a legacy of large-scale past abuses, can also help a community to come to terms with a returning child soldiers' past. Ever since World War II, transitional justice has become part of the discourse in dealing with the rebuilding of countries torn apart by war and systemic abuse. It has helped to bring those who committed atrocities to trial, it has reformed institutions and it has reclaimed truth to those who suffered. All in all, transitional justice is a means to help a country overcome its tragic past and transition towards a future based on democracy, freedom and rights. Would it then be possible for transitional justice to help assist transition on a smaller, communal scale? Can transitional justice be the answer to the question on how to reintegrate former child soldiers back into their communities?

In the first chapter, I will describe the factors that caused the emergence of the LRA. Following that, I will look into their ideology, organizational structure and the use of child soldiers. In chapter two, I will provide an extensive account of transitional justice according to the three primary goals of transitional justice: justice, truth and peace (Elster 2012, 79). Given the limited amount of words, I will focus on the goal of justice in the rest of the thesis. I identify three forms of justice within the transitional justice discourse – retrospective justice, prospective

justice and the boundaries of legal-political borders – that I will use as the backbone of my analysis regarding the reintegration of former child soldiers.

In chapter three, I will analyze how retrospective justice can help in reintegration practices. Central to this chapter will be legislation and the question of representation that follows out of it. I primarily concern myself with two dominant narratives regarding child soldiers: the passive victim and the evil demon. Chapter four will deal with the question of prospective justice. I will look at the concepts of agency and accountability, and how the addressing of the accountability of a child soldier can play a role in their reintegration. I will also look at the reintegration practices of the community and ideas about personhood. In chapter five, I will address the boundaries of society, communities and culture, and how the turn to 'traditional' culture for reintegration practices imposes a Western idea of what Africa should be. Lastly, I will conclude that transitional justice can only help with the reintegration of former child soldiers into their community if it functions as grounds for dialogue and change, not as a mediator for bringing back what was academically known as a communities' culture, pre-conflict.

I | Uganda and the LRA

In this chapter, I will analyze the roots of the conflict between the LRA and the government in post-independent Uganda. I will explain how policies from the colonial era formed the basis of post-independent governmental decisions and eventually laid ground for millennialist rebellion.

Uganda, like many post-colonial African tribal states at independence, was ruptured by a divide and rule policies of colonialism (Mandami 1983, 9). They were needed to sow distrust between different tribes to discourage the formation of alliances against the imperialist, for the most practical problem was 'the native problem': a lot of natives, a small group of colonizers (Mamdani 1996, 76). With the divide and rule policy, colonial rule was perfected: ethnicities were divided and politicized into spaces of domination through mutual distrust (Branch 2014, 46).

The divide and rule policy was coupled with indirect rule, where the power of the imperialist gave rise to the power of favored tribes. These tribes enjoyed privileges and protection, and were indirectly used as local agents of colonial administration (Branch 2014, 47). In Uganda, the British used the Buganda kingdom, an indegenuous elite in the south of Uganda, as subimperial middlemen, taking over the northern regions in name of the British Empire in 1894. As long as the British interests were considered, the Buganda enjoyed the privileges of imposing their culture on tribes in other regions. They also enjoyed economic prosperity, because their region was considered a cash crop area, i.e., stocks such as coffee were produced solely for its commercial value rather than for consumption (Mamdani 1983, 9).

The favoritism towards the southern tribes created strong differences between the south and the north, because the political and economic interests of the northern communities were not taken in consideration at all. Economic prosperity in the form of cash crop production was also not initiated in the North. Instead, people in these northern areas were used as labor for the military or plantations and factories (Mamdani 1983, 9-10). Any cultural tradition that differed from the Buganda tradition was also deemed as barbaric and forbidden, and, because societal structure of these tribes did not resonate with colonial rule, the British appointed chiefs to reform these tribes in the likeness of the Buganda (Branch 2014, 48).

After the Ugandan independence in 1962, attempts were done to unify Uganda under a diverse, ethnic government that represented the interests of most tribes (Eichstaedt 2009, 11-2). But the

foundation on which this was done was still grounded in the British divide and rule policy. Rather than deconstructing the distortions between groups that were created by the British, post-colonial policies became synonymous with the British colonial rule (Kabwegyere 1974, 227-31). Milton Obote, the first prime minister of Uganda, tried to undo the tribal favoritism in the central state as imposed under the British rule, but in doing so, he sought alliances with tribes that would benefit from it while excluding tribes that would not (Branch 2014, 53-6). State power was thus still used to exclude people based on their ethnicity and to deprive certain tribal groups from political resources (Mamdani 1983, 27-29). The ethnic division and suspicion between tribal groups created by the British was located to the present via government policies.

Especially tribes in the Northern regions, such as the Acholi and the Langi, felt particularly left out. After dictator Idi Amin's coup in 1971, they were refused any power in the government. Amin also resorted to atrocities to disarm some of the tribes, killing thousands of Acholi and Langi soldiers (Eichstaedt 2009, 14; Branch 2014, 57). In practice, 'big tent politics' to promote national unity, overturned political opposition and neutralized political threats (Van Acker 2004, 338-42). Distrust became the dominant relation between the northern regions and the government.

The economic and political disparity between the south and the north made way for discontent and ethnic nationalism in the northern tribes. Mahmood Mamdani argues that situations serve as grounds for the mobilization of rebellion (Mamdani 1983, 12-16). In Northern Uganda, this was seen in the Acholi tribe, who, since their removal from state power, were excluded from any political activity. The political middle class of the Acholi were driven to exile, and the local Acholi did not interfere with politics. The link between the Acholi and the national state had completely disappeared (Branch 2014, 57).

Besides their banishment from political power, the Acholi also dealt with internal instability. They had lived with a leadership gap for generations: Acholi elders were unable to deal with the effects of civil war, an AIDS epidemic and returning soldiers who could not get accustomed to communal life. The belief in spirituality by the Acholi made way for attributing these problems to evil spirits and witchcraft. For the Acholi, the spirit world was as real as the change of seasons, and death, illness or violence were not a result of social and political tensions: rather, misfortune was attributed to *kiroga*, spirit possession that is used to inflict harm upon someone (Behrend 2004, 26).

The LRA

It is in this context of distrust, hardship and communal breakdown a prophet of hope arose in the person of Joseph Kony. Kony, an Acholi, raised as a Roman catholic altar boy and witch doctor, claimed to be visited by a spirit[2] in 1987, who told him to fight against evil and guide the Acholi people to God by establishing a government based on Christian teachings (Eichstaedt 2009, 99). According to Kony, political affairs should be governed by God-fearing people who bear in mind the people's interests (Behrend 2004, 50), not by a government that excludes and commits crimes against the Ugandan people. To get rid of all evil, society needed to be changed, and under the banner of the Lord Resistance Army, Kony set foot to purify the Acholi people and to overthrow the government.

In order to do so, Kony adopted a guerrilla tactic and worked with independent groups of soldiers. Going from village to village, the LRA abducted, killed and looted (Van Acker 2004, 348-50). People who did not cooperate or obeyed Kony's laws were killed. Mass abduction and forced requitement were the main sources of soldiers for the LRA, and as they grew stronger, their tactics became more violent, and the divine component of the mission disappeared into the background. By 2002, the LRA switched gears even more and became notorious for the deliberate abduction of children, turning roughly twenty thousand children into child soldiers over the course of thirty years (Eichstaedt 2009, 49).

Aside from speculation, the exact motives for the LRA's turn to child soldiers are unknown. Though children are physically weaker than adults, research has pointed out several reasons for rebel groups to use them. Children are more malleable than adults and easier to indoctrinate (Beber & Blattman 2013, 68-7; Rosenblatt 1984, 37-40). They are more prone to fight for incentives such as honor and revenge (Rosenblatt 1984, 40; Brett & Specht 2004, 27-29). Peter Singer argues that technological advancement in weapons – making them smaller and easier to carry – also gave way for children in combat (Singer 2005, 45-49). However, it is important to note that, though some children are forcibly recruited, others join rebel groups on their own accord. Brett and Specht point out several motives for joining a rebel group, such as the normalization of violence and war, lack of opportunities, poverty or social influence (Brett & Specht 2004, 123-29). Of course, the nature of 'voluntarily' seems ambiguous if children really

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[2] Which spirit remains uncertain: some sources claim it was the spirit of Lakwena, others note a spirit called Juma Oris. See Behrend, H. (1998) War in Northern Uganda. In Clapman, C. (1998) *African Guerrillas*. Kampala: Fountain Publishers.

have no other options, but it is important to realize that these factors also have a big influence on the big number of children in the LRA.

By July 2006, peace talks were initiated, and on the 26th of August, the LRA signed a truce with the Ugandan government, promising the release of child soldiers (BBC 2006, 12-09). Although the peace accord was already violated in 2008 and the LRA renewed their fighting ever since, relative calm had returned in such degree that the government could evaluate the damage done: villages torn by war, hundreds of thousands in refugee camps and thousands of (traumatized) children returning from battle. The question that remains is than: how do we move from here?

In the following chapters, I will introduce the concept of transitional justice as a response to the situation in Northern Uganda. Around the turn of the century, transitional justice has become an established concept in the rebuilding of countries torn apart by war or systemic abuse. I will analyze if the holistic approach transitional justice offers can serve as grounds for the reintegration of former child soldiers into their communities. I will start by introducing the concept of transitional justice in the next chapter.

II | What is transitional justice?

Where do you start after your country has been torn by war? How do you change systematic corruption and abuse by those in power? In this chapter, I will introduce the concept of transitional justice. In doing so, I will analyze the three primary goals of transitional justice: justice, truth and peace.

The concept of transitional justice as a discourse is relatively new. Ruti Teitel coined the term in 1991, stating that transitional justice "can be defined as the conception of justice associated with periods of political change, characterized by legal responses to confront the wrongdoings of repressive predecessor regimes" (Teitel 2014, 3). In 2010, the UN defined transitional justice as "the full range of processes associated with a socsiety's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation" (United Nations 2010, 2). The concept started to really cover ground after World War II, where the Nuremberg Trials raised fundamental questions about universal human rights and the decriminalization of a nation. After the fall of the Soviet Union in 1991 and the following retrieval of Soviet-forces in South America, multiple repressive regimes all over the world fell and a series of transitions followed. Around the turn of the century, transitional justice became the norm in humanitarian law (Teitel 2003, 70-2).

Transitional justice is thus a means to help countries torn by war develop from a situation of conflict to peace and reconciliation. The mechanisms dealing with this transition are, however, very complex: years of widespread, systemic violations take their toll on political institutions. Causes and effects of the violations are not clear-cut. In practice, this means a holistic approach has to be adopted, taking into account all elements that contributed to the abuse (Teitel 2014, 116). Integrating practices such as criminal persecutions, reparation programs and truth commissions are essential for the attainment of the primary goals of transitional justice: justice, truth and peace (Elster 2012, 79).

However, Pablo de Greiff argues that viewing transitional justice as the mere attainment of goals does not do right to understanding what transitional justice entails *theoretically* (De Greiff 2012, 32). We need to know not just what transitional justice is, but also *why* it is. Just as Teitel, De Greiff underscores that a holistic approach needs to be adopted, but that an extra, abstract dimension needs to be added that shows the underlying conceptions of justice, truth and peace. He argues that every goal of transitional justice is intertwined and can be interpreted

as "efforts to institutionalize the recognition of individuals as citizens with equal rights" (De Greiff 2012, 43). Transitional justice in that sense functions as an implementor of establishing (new) norms through measures such as criminal persecutions, truth commissions or memorialization, which form the basis of social and societal reform.

Although the theoretical concept of transitional justice relies on its function as a 'new norm facilitator' which can be seen as static, how things 'ought to be', what constitutes justice, peace or truth is relative, especially because of the ambiguous and conflictual understanding it embodies in times of conflict. Justice for one might not be justice for the other, just as truth might be considered dependent on perspective. It is thus of great importance that, before we can understand the nature of transitional justice, we understand the concepts that underly it. In the following paragraph, I will delve into the concept of justice, truth and peace in the context of transitional justice.

Justice

Besides transition being an enormous project, the concept of justice itself is very complex too. What is justice? Who defines it? Quarrels among different actors involved in transition of a society usually revolve around different ideas about what justice entails (Webber 2012, 102). What can be considered as justice, changes in times of political transformation (Teitel 2014, 96). It is of importance that the holistic approach transitional justice offers incorporates different ideas of justice, for there is not one readymade solution to the complexity of moving from injustice to justice. Within the transitional justice field, we can identify three conceptions of justice: retrospective justice, prospective justice and the reintegration of conflicting legal and political orders (Teitel 2000, 7; Webber 2012, 98-102).

Retrospective justice

Retrospective justice is an aspect of the retributive theory of punishment, where the primary goal is to seek justice for the victim by punishing the wrongdoer. Rooted in Aristotelian ethics, the idea of retrospective justice focusses on rectification rather than rehabilitation. Injustice happens when equality has been disturbed, and in order for justice to reoccur, the wrongdoer has to restore the balance of the two parties originally being equal (Aristotle, 1129a-1132b & 1134a). Retrospective justice can be viewed as an attempt to give recognition to victims by condemning the wrongdoer's acts through prosecution. In doing so, retrospective justice reaffirms the importance of equal rights (De Greiff 2012, 43). Teitel calls this form of justice

backward-looking: retrospective justice thus seeks to repair specific wrongs of the past (Teitel 2000, 7).

However, this conception of justice is very narrow and does not stimulate transition, because it solely focusses on the retaliation for past abuse, not on deterrence and future change (Webber 2012, 102-3). Retrospective justice in that sense functions as a static norm by law, which seems paradoxical given the nature of justice (Teitel 2014, 96).

Prospective justice

A broader perspective is needed, where not only past atrocities are addressed, but societal change funded on righteous foundations is guaranteed. Prospective justice provides this extensive account of justice (Webber 2012, 104). Here, justice is not seen as the facilitator of retribution, but of distribution. Justice prevails if the burdens and benefits of society are proportionate to everyone within that society. In transitional justice, this means that societal reform must be configured in such a way that human rights violations are prevented in the future (Gloppen 2002, 16). Past atrocities should be addressed through focus on the future; the focus is forward-looking and shifted towards the groundwork on which the future community will be built (Webber 2012, 104).

Both concepts of justice complement each other and are needed for a well-rounded reform of society. By acknowledging and correcting the atrocities done to people, one creates the first steps towards an environment where violation of rights is prevented and a stable, democratic state is promoted. In that sense, retrospective justice processes such as recognition, restoration and compensation lay the foundation for prospective justice, i.e., reforms towards a healthy democracy and the prevention of human rights violations.

Boundaries of legal and political orders

However, how and where (transitional) justice should be implemented can be subject of dispute, especially in countries struck by atrocities. Whose culture should be used to achieve transitional justice? In what language do we promote societal reform? If the current government used oppression or excluded certain minorities from participating in society, can they still be used as means to promote transitional justice? These are some of the factors that should all be taken in consideration in the third form of transitional justice, the adjustment of legal and political orders (Webber 2012, 108). If transitional justice is done upon a framework that has been experienced as oppressive or corrupt, societal reform cannot be achieved. The structures upon which the reforms are developed and implemented are of great importance, for if they are

seen as (partly) causes of the atrocities done, the changes will not bring about what they should.

Besides oppressive structures, imposed change as demanded from external sources such as international law can also bring about disputes about the followed tradition of justice. After the Rwandan genocide, conflict between the Rwandan government and the International Tribunal for Rwanda arose over the question whether the trials should be rooted in Rwandan traditions of justice, i.e., communal dispute settlement, or international criminal law (Phil 2007, 30-5). The way justice is done should thus take in consideration local practices and values, while at the same time avoiding falling into societal structures that have been used for oppression.

Truth

As indicated earlier, the three goals of transitional justice according to De Greiff and Teitel are not necessarily exclusive from one another. One can only implement justice if prior injustice is acknowledged. Truth plays an important role, for it forms the basis upon which justice can be built: "it shows that justice is not just a call for insight but also a call to act on the truth disclosed" (De Greiff 2012, 36). In order to move from an oppressive regime or country torn by war, one needs to know the truth about past atrocities done. Distrust and resentment of the people towards those in power undermine the progress towards a more hopeful future (Elster 2012, 81). Proof plays a crucial part in moving away from the past: who was involved in the oppressive regime? Who committed gross atrocities, or gave permission to do so? In order to uncover proof, truth commissions are appointed. They focus on establishing an overview of the atrocities done that remain undisputed or unclear. Through recognition for the victims, clarification of the violence done and recommendations for future reform, truth commissions try to create a transparent base upon which social reform can be accomplished (Hayner 2011, 20-6; Teitel 2003, 78; De Greiff 2012, 43).

Peace

The ultimate goal of transitional justice is to promote peace in the broadest sense of the word. This means the absence of repression and armed conflict, and civic stability (Elster 2012, 81). Additionally, transitional justice also entails political stability in the form of a well-functioning democracy (De Greif 2012, 32). Factors undermining this transition towards peace and democracy are distrust, violence against the peoples and the reinstalment of people collaborating with the former regime (Elster 2012, 81). It once again shows that in order to achieve social reform, a holistic approach is very important, given that peace and stability both entail the works of justice and truth.

In the following chapters, I will, due to limit space, analyze the primary goal of justice against the context of child soldiers in Northern Uganda. What does justice entail for them? As stated in chapter one, some children joined the LRA on their own accord, because the LRA provided a type of justice for them in a way their community or the government could not. How do we then use transitional justice in a way that the kind of justice that is needed is shifted from the LRA towards the community and the government? Central to these chapters will be the three concepts of justice as described above.

III | Retrospective justice: who's the victim, who's the perpetrator?

As previously mentioned, the goal of retrospective justice is to retribute wrongdoers and bring justice to victim(s) (Webber 2012, 106). It is retrospective, for the prevailing of justice is translated into verdicts and rectification rather than rehabilitation. But in doing so, one also needs to define key concepts that cohere with it, such as wrongdoer and victim. In the case of child soldiers, this is highly complex, since they fulfill multiple roles: they are soldiers, but also children. This makes the dichotomy of wrongdoer versus victim very complicated, since child soldiers are both. The confrontation between good and evil is not clear-cut.

However, international legislation contributed to making things less complicated via categorization. In international law – an important measure in transitional justice, for legislative institutes of the transitioning country are usually not sufficient enough for mass atrocities, causing an impunity gap (Teitel 2014, 30-2) – child soldiers are considered victims when they are *under* the age of fifteen, both *voluntarily and forcefully* recruited by armed groups, and when they are *over* the age of fifteen and *forcefully* recruited by armed groups (Rome Statute of the ICC, Article 8(2)(b)(xxvi) and (2)(e)(vii); Additional Protocol I, Article 77; Additional Protocol II, Article 43; CRC, Article 38). Child soldiers over the age of fifteen who voluntarily join armed forces are not protected by international law, and thus considered perpetrators. This creates two narratives regarding child soldiers: the helpless victim who was coerced, and the evil demon who joined voluntarily (Denov 2010, 6-7). Both narratives reflect stereotypical perceptions of childhood in Africa, i.e., the innocent young one and the deviant young one (Prout and James 1997, 197). These are problematic, for it locks the identity of former child soldier within an 'either or' frame that in neither case helps promote reintegration. In the following paragraph, I will get into both narratives.

Child soldiers as passive victims
Rendering child soldiers as victims is problematic on two fronts: first, 'Western' legal definitions that are "acceptable to Western viewers as it emphasizes childlike innocence" (Braumann 1993, 150) are far from the vision the Acholi have on the matter. Given that the LRA targeted the Acholi, child soldiers usually had to attack their own community. Most Acholi deem child soldiers guilty, for they were victims of the atrocities done by child soldiers (Steinl 2017, 29). Considering the child soldiers as passive victims can feel completely misplaced, for it clashes entirely with the feelings of anger and fear the community has; feelings

that remain unaddressed (Fisher 2013, 19). In that sense, international legislation seems to be the product of discourse among the West, but it does not give a voice to the Acholi peoples.

At the same time, the passive victim narrative reduces a child soldier to a single identity of victimhood (Valji 2009, 229). It disempowers them, which leads to a characterization of 'damaged goods', unable to change. This in turns contributes to the stigmatization which the community already attributes to child soldiers. The narrative might also clash with child soldiers' own experiences, for it takes away all their agency and does not recognize their experience. Although living in a highly coercive environment, some children join out of their own incentive, and do not see themselves as passive victims (Steinl 2012, 27). Underlying reasons for joining the LRA should be taken seriously, because if not resolved, it can hinder the transition (Steinl, 2012, 16).

Child soldiers as evil demons
The evil demon narrative, in turn, reduces a child soldier to merely a soldier, someone who has done harm and can be considered a criminal. This stigmatization has increased due to the portrayal of child soldiers as evil in popular media (Denov 2012, 281). Often described as monsters or killing machines, "fluent in the language of violence, but ignorant to the rudiments of living in a civil society", child soldiers are dehumanized and permanently disconnected from civil society. This representation links back to the colonialist idea of the immoral and savage 'South', where barbarism and immorality is considered the norm (Denov 2012, 281-2).

Both narratives undermine prospective change in child soldiers: in the victim narrative, children are damaged because of all the trauma, and in the demon narrative, children are damaged because they are evil (Steinl 2017, 12). Both narratives contribute to stereotypes of African children: either they need to be rescued from their environment, or they are product of their environment. By rendering child soldiers either relentless or passive, one ignores their agency, experiences, and accountability, which seem to be the key components in overcoming the bridge between them and their communities. In the following chapter, I will take the concept of agency as a point of departure to analyze how it can be attributed to former child soldiers in a constructive and forward way.

IV | Prospective justice: accountability, rituals and personhood as foundation for community reintegration

In this chapter, I will show different ways in which the war-ridden society has tried to negotiate a new understanding of transitional justice grounded in indigenous African culture. Central to this quest will be the concept of agency and accountability, as I argue that these are requisites for overcoming the barrier between the community and the child soldier.

As I argued in the previous chapter, the dichotomy of child soldiers as either passive victims or relentless criminals as stated by international law can be harmful for reintegration in their former communities. In order to move towards a future funded on righteous foundation, a middle way is needed, and this can be found through the acknowledgement of the agency a child soldier has. According to Long, agency is defined as "the capacity to process social experience and to devise ways of coping with life, even under the most extreme forms of coercion. Within the limits of information, uncertainty and other constraints that exist, social actors are 'knowledgeable' and 'capable'" (Long 1992, 22). This agency can be translated into two forms: negative and positive agency. For child soldiers, positive agency means the ability to bounce back from negative experience and to become members of society again. It stresses the resilience of children, and their ability to reintegrate and actively shape a new life (Steinl 2017, 34).

Negative agency is the active participation in atrocities. In the case of child soldiers, it means the acknowledging of the crimes committed. This, in very general terms, also means the acknowledgement of the *accountability* for the crimes committed by the child (Steinl 2017, 34). However, holding someone accountable for one's criminal actions is usually followed by prosecution, which, in the case of child soldiers, seems highly unfair, given their double role as victims-wrongdoers. But not addressing the committed crimes does not seem like a good place to start for societal reform and reintegration, because it undermines the idea of child soldiers as an active right- and stakeholder in (future) society (De Greiff 2012, 42).

However, is an eight-year-old really actively aware of his rights and responsibilities in society? And, if talking about rights, we need to take in consideration a concept related to that, personhood, and what it entails in the eyes of African society and the Acholi. Ifeanyi Menkiti argues that whereas the Western conception of personhood relies on the notion of being an individual, in African philosophy, personhood is acquired through the community. It is not

something you automatically receive when being born, but what you attain as member of a society (Menkiti 1984, 173).

If you have not been part of society for quite some time, you are considered a 'dangler', someone who has not attained personhood (Menkiti 1984, 172). Child soldiers are considered 'internal strangers' by their former tribes (Behrend 2004, 24). In the following paragraph, I argue that in order to move former child soldiers from internal strangers to 'reborn' members of a community, the negative agency and accountability for the crimes committed by the child soldier should be acknowledged in a way that the barrier between the community and the child soldiers, their crimes against that same community, is lifted. As already stated by Steinl, most Acholi deem child soldiers guilty (Steinl 2017, 29). Not addressing the crimes committed clashes entirely with the feelings the community has for these children. The question is than: how are we going to address this accountability in a constructive, forward way?

Accountability

To address accountability in a way that makes reintegration successful, I find that three aspects must be addressed: the former child soldier must be held accountable for the crimes committed; the feelings of the community need to be addressed; and reintegration needs to be understood as a process situated in a landscape that has changed due to violence. All three dimensions can be recognized through a shared set of cultural beliefs. For the Acholi, the roots of these beliefs lie in spirituality and the conception of personhood. As mentioned before, spiritualism is the core of the Acholi daily life. As a traditional warrior tribe, purification rituals to get rid of bad *cen*, evil spirits of the killed, are very common to the Acholi. These cultural tools are important in reintegration and addressing accountability, for they can help address the impact of violence on the community in a way that suits the community, while at the same time overcoming that violence by helping the former child soldier reintegrate through a communal discourse of forgiveness and purification (Veale & Stavrou 2003, 42-50). Secondly, the processual nature of personhood makes that children are still in the process of attaining personhood. As Menkiti points out, several traditional African societies hold that personhood is attained through obligations fulfilled by participation in communal life. It is a process with different rites of incorporations, depending on where you are in your life (Menkiti 1984, 176).

Accountability could thus be addressed through rituals, for they address the crimes committed by child soldiers and their status as 'internal strangers', while at the same time functioning as a rite of passage for the reintegration of child soldiers in the community as children that derive

their personhood through identification with a community. Rituals that are used for this are *yubo kom* ("cleansing the body"), the cleansing of the body to get rid of bad *cen* that forms a barrier between a child, the community and his rite of passage towards personhood. Other rituals, such as *mato oput* ("to drink from the oput tree"), where both the wrongdoer and the victim(s) have to drink a bitter herb as a symbol for the bitterness they experienced in the past, or *nyono tonggweno* ("stepping on the egg"), where the returnee has to walk over eggs and leave them behind as a symbol for the previous breaking with the clan, are focused on reconciliation and the healing of memory between the community and the child (Veale & Stavrou 2003, 46-7; Eichstaedt 2004, 177).

Through these rituals, the community does not aim at establishing whether the child is guilty or not, as in criminal prosecutions, but rather it seeks to address accountability to restore social harmony in a by violence affected community. The community defines the former child soldier as one of them again, granting the former child soldier with the status of child attaining personhood. A child soldier is not a victim nor a perpetrator anymore, but part of a community and ready to grow into personhood through that same community. Individual and communal healing are addressed, which is exactly what needs to be done in order to move away from the past.

However, after years of battle and displacement of entire communities, the common ground on which these reintegration practices and rituals take place, might be non-existent or unknown. In the next chapter, I argue that while these mechanisms are a worthy attempt to restore balance and harmony, it might fail in pursuit of justice in a post-conflict context.

V | Post-conflict reintegration: boundaries of society, community and culture

Reintegration of former child soldiers is defined as "the process of helping former combatants return to civilian life and readjust both socially and economically" (Machel 2001, p. 14). But after sixteen years of battle, one question remains: reintegration to what? In 2005, 95% of the Acholi people were internally displaced into camps (Eichstaedt 2009, 18). Entire generations grew up in refugee camps, or never knew of life outside the LRA. Former child soldiers might not even know their own community (anymore).

Boundaries of communities

The reintegration of child soldiers into their communities can only happen if there are communities to be reintegrated to. The logical first step would then be to start with the rebuilding of communities. In the transitional justice agenda, peacebuilding is equated with the restoration of the traditional social order. The tragedy of conflict is partially attributed to the loss of tradition and authority among elders. Indeed, as mentioned earlier, the emergence of the LRA was partially caused by the Acholi leadership gap (Behrend 2004, 26), which left the Acholi in desperate need for hope that appeared in the shape of Joseph Kony and the LRA. The transition towards a healthy future that transitional justice proposes then, is rooted in the rebuilding of traditional tribes and leadership (Branch 2014, 613).

However, caution is needed in claims about 'tradition'. Although the word itself presupposes an unchanging manner, tradition is not static and can change. Proposing the re-establishment of old tradition as solution to transitional justice presupposes some sort of transcendental moral order that can overcome the state of time. This "turn to traditional culture" renders the Acholi mute and presupposes an unchanging, pre-colonial tribal essence to culture, rather than acknowledging that things have changed and that one operates from a very different place than before the conflict. It undermines the whole idea transitional justice stands for, namely recognition of the dignity of individuals, the redress and acknowledgement of violations and the aim to prevent them from happening again.

The aforementioned challenges are often tied to the core problem of unanimity in African philosophy. Pauline Houtondji defines this idea as ethnophilosophy, where African thought and tradition is rendered "the exclusive valorization of a simplified, superficial and imaginary blueprint of cultural tradition" (Houtondji 1976, 162). He argues that this "turn to traditional culture" renders the Acholi mute and presupposes an unchanging, pre-colonial tribal essence

to culture, rather than looking at the third dimension of agency, namely, acknowledging that things have changed and that one operates from a very different place than before the conflict:

> The function of ethnophilosophy has changed: it is no longer a possible means of demystification but a powerful means of mystification in the hands of all those who have a vested interest in discouraging intellectual initiative because it prompts not living thought in our peoples but simply pious rumination on the past (Houtondji 1976, 177).

The idea of ethnophilosophy renders tradition ahistorical and immutable and imposes tradition upon a community without taking in consideration their thoughts or without considering that the imposed tradition – although its origins are in that community– are not known by the people of today. Drawn to the context of our current conversation, one might wonder then, whose culture and whose tradition? If child soldiers either spend most of their time in IDP-camps or in the bushes with the LRA, doesn't the idea of reintegration in *their* culture become questionable?

Additionally, the question of who will impose this traditional culture remains, given that the Acholi communities were destroyed or displaced and most of the elder were murdered by the LRA (Eichstaedt 2014, 254). The danger Pauline Houtondji points out is that external people – be it the West or the Ugandan government – impose "an ideological placebo" on the Acholi (Houtondji 1976, 44). And this can already be seen in practice. Following in what Adam Branch calls ethnojustice, multiple reports on transitional justice for the Acholi take on the role of 'learning' them their 'own' culture and ideas of what justice should look like (Branch 2011, 163). He takes the example of the *Roco Wat i Acholi*, a report on how to reinstall 'traditional' Acholi culture. As Branch rightfully points out, the report is not a result of dialogue with the current Acholi peoples, but based on anthropological research on what the Acholi culture according to outside experts entails (Branch 2011, 164-67). Ethnojustice thus equates peacebuilding with the reinstalment of traditional African culture. In doing so, it tries to avoid the imposing of Western ideas upon African communities, but by envisioning these African traditions as an unchangeable, 'shared by all' worldview, they actually impose a Western imagination of what Africa is supposed to be: anything but moving forward, anything but the modern West (Branch 2014, 614).

The idea of establishing traditional culture as a post-conflict solution renders tradition ahistorical and immutable and imposes tradition upon a community without taking in consideration their thoughts or that the imposed tradition – although its origins are in that community – are not known by the people of today. This brings us back to a narrative where victims of the war are rendered passive, and individual experiences are ignored.

Boundaries of society

Secondly, by focusing on the reinstalment of traditional social order as the solution to violence and conflict, one ignores a more, persistent, underlying problem: the ethnocratic politics of the Ugandan government (Van Acker 2004, 338). The Acholi were never represented by their government; the government had always distrusted the Acholi. Even during the war against the LRA, government officials were wary of the Acholi, claiming they were in favor of the LRA. Some of them were and believed that the atrocities done by the LRA were actually committed by the government and blamed on the LRA as means to eliminate the Acholi as a threat (Eichstaedt 2009, 59). This made way for an "anti-government feeling" and gave the LRA more ground to stand on. This can be explained in terms of the principal-agent dilemma. In a society, the people – principals – put faith to those in power – the agents – to act in according with their best interest. However, the Ugandan government did not act as an agent for the Acholi. Paradoxically, the Acholi had to act as agents for the LRA: they were needed for the attainment of the interests of the LRA, namely, a purified society and the manpower to overthrow the government (Van Acker 2004, 350-1). As the LRA's power was with the control of the population, the government wanted the Acholi to seek refuge and leave their villages and homes for IDC-camps, where maltreatment was the norm. Many Acholi's felt that their displacement was part of a double agenda of the government to wipe out the Acholi culture, which led to an anti-government feeling and, in some cases, support for the mission of the LRA (Eichstaedt 2009, 60).

To move away from this problem, new boundaries and structures need to be established in which the Acholi feel protected by and part of the Ugandan society and government. However, as already stated, if the current government used oppression or excluded certain minorities from participating in society, can they still be the ones in charge of changing the system? (Webber 2012, 108). Branch mentions the government-appointment Rwot David Onen Acana II as the head of the *Ker Kwaro Acholi*, a council of traditional chiefs, whom, just as other elders, are seen as "in the pocket of the government" (Branch 2011, 159). Distrust remains the dominant

relationship between the Acholi and the government. In other words: can the Acholi feel part of Ugandan society with the current government still in power?

| **Conclusion**

In this thesis, one of the primary goals of transitional justice, justice, has been analyzed in order to uncover whether it can be of assistance in the reintegration of former LRA child soldiers into their communities. Three forms of justice – retrospective justice, prospective justice and the boundaries of society and communities – have been used as the theoretical framework where the question of reintegration has been placed upon. It is important to remark that, although I have analyzed all three forms separately, we cannot view them as independent actors. They are intertwined and interact with each other. Secondly, my conclusion is merely theoretical. In practice, things can always turn out differently, given we are talking about real people, real conflicts and real problems.

How can justice help the reintegration process? Retrospective justice does not seem to function as a proper tool for reintegration of returnees into their communities. If any, international legislation seems to contribute to a stereotypical narrative where a child soldier is either a victim or a perpetrator based solely on age. Both narratives ignore the agency of the child soldier, which is the binding factor between them and their former community and helps with the reintegration in society as a whole. Rendering the role a child soldier played in the violence done to communities as mute, 'don't ask, don't tell', makes for no ground for the restructuring of society into a just one. Additionally, it actually harms former child soldiers, because the relationship between *having* rights and harming rights of others – accountability – is ignored. Given that this is a two-way relationship, if accountability is not addressed, the child soldier does not get acknowledged as a rights-holder, rendering him passive and a-political.

How can we thus address accountability and agency without directly falling into the 'either, or' dichotomy of victimization or criminalization of the child? Prospective justice seems to help in this regard. Dialogue rooted in a mutual understanding of cultural concepts such as the gradual process of personhood and restoration rituals, can help overcome the friction between the returnee and his or her former community by addressing the harm done and mutually releasing it.

However, in doing so, one need not forget that both the child and the community have been struck by violence, and that one cannot just 'carry on' in the same manner as one did before the conflict. Both Branch and Houtondji rightfully point out that the reinstalment of traditional culture as the solution for a happily ever after is a mere fantasy. It renders culture a-historical,

unchangeable and as something one can learn from a book and impose on a people, rather than having a dialogue with the living Acholi on how to move forward.

In conclusion, transitional justice can only help with the reintegration of former child soldiers into their community if it is viewed as a *facilitator* for dialogue and change, not as a mediator for bringing back what was academically known as Acholi culture, pre-conflict. In doing the former, one really does what *transitional* in transitional justice stands for: moving from a place torn apart by violence towards a new beginning through acknowledging both the child soldiers' agency in what has happened and the changed community.

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