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Peacebuilding and Transitional Justice in Sub-Saharan Africa's  
Post-Conflict Societies: The Role of Traditional Forms of Justice  
in Post-Civil War Sierra Leone.

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Master Thesis (SOLM02)  
Spring 2018

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# Abstract

The prevalence of violent conflicts over the last few decades has left numerous countries in the need of thorough rebuilding; from Afghanistan to Cambodia, Sri Lanka, Guatemala, Somalia or Rwanda. In order to assist in the recovery of these post-conflict societies, various peacebuilding strategies and transitional justice mechanisms have been implemented by a range of different actors. However, most approaches have so far failed to perform adequately due to the overwhelming tendency of using top-down, Western approaches; especially in Sub-Saharan Africa. A growing emphasis has therefore been put on including traditional forms of justice within the peacebuilding and transitional justice mechanisms applied within post-conflict societies. This has been the case in post-civil war Sierra Leone, where attempts were made to integrate traditional approaches. This thesis aimed to explore the role of traditional forms of justice within peacebuilding processes and transitional justice mechanisms in Sub-Saharan Africa's post-conflict societies. Departing from a socio-legal perspective, a Critical Discourse Analysis based on Norman Fairclough's three-dimensional model was carried out within the context of a single case study about Sierra Leone's transitional justice mechanisms: the Special Court for Sierra Leone, the Truth and Reconciliation Commission and Fambul Tok. This was combined with the use of postcolonial theories of law and legal pluralism. The thesis concluded that while traditional forms of justice have the potential to successfully contribute to peacebuilding processes and transitional justice mechanisms, Western approaches still heavily dominate and undermine the use of traditional approaches while the presence of strong postcolonial dynamics, power imbalances and the lack of recognition of legal pluralism lead to more issues.

*Key words:* Peacebuilding, Transitional Justice, Traditional Justice, Post-Conflict, Sub-Saharan Africa, Sierra Leone, Special Court for Sierra Leone, Truth and Reconciliation Commission, Fambul Tok, Postcolonial Theories of Law, Legal Pluralism, Critical Discourse Analysis.

# Acknowledgements

I would like to thank my supervisor, Rustamjon Urinboyev, without whom this thesis would not have been possible. Thank you for your patience, guidance and input throughout the semester!

I would also like to thank my parents, Charles & Clementia, and my brother Pierre for their endless support and for never getting tired of hearing me talk about my research.

A big thank you to Saadat, Maja and Janine for always being there for me, for giving me valuable advice and for the many hours spent studying together. A special thank you goes to Hanna for letting me and my fifteen plants live with her over the summer!

And finally, thank you to all my friends and classmates (especially Liv, Danique, Märtha, Tom and Tania) both here and overseas for all your love, support and encouragement.

# List of Abbreviations

CDA: Critical Discourse Analysis

DRC: Democratic Republic of the Congo

ICC: International Criminal Court

ICTR: International Criminal Tribunal for Rwanda

ICTY: International Criminal Tribunal for the former Yugoslavia

LPA: Lomé Peace Agreement

SCSL: Special Court for Sierra Leone

TRC: Truth and Reconciliation Commission of Sierra Leone

TWAIL: Third World Approaches to International Law

UN: United Nations

UNAMSIL: United Nations Assistance Mission in Sierra Leone

UNGA: United Nations General Assembly

UNSC: United Nations Security Council

UNSG: United Nations Secretary General

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# 1 Introduction

## 1.1 Background

### 1.1.1 Peacebuilding

The term “peacebuilding” was first coined in 1975 by Johan Galtung, a Norwegian academic, in "Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding" (Galtung, 1976:297). In it, he emphasized the need for peacebuilding structures that address the root causes of conflict and support indigenous mechanisms in order to achieve sustainable peace (Galtung, 1976:297). The concept of peacebuilding was then integrated in the United Nations’ Secretary General’s (UNSG) report “An Agenda for Peace”, which defined it as an “action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict” (UN, 1992:5). From that point on, peacebuilding was further developed in a variety of UN reports; notably in the “Brahimi Report”, which was published after a series of failed peace operations in among others Rwanda and Srebrenica (UNGA, 2000:6). In it, the definition of peacebuilding was extended to include concepts like strengthening the Rule of Law, increasing respect for human rights and promoting democracy (UNGA, 2000:3). Nowadays, peacebuilding has become a cornerstone of post-conflict reconstruction and has been implemented in, among others, the Central African Republic, Burundi, Liberia, Colombia, Haiti, Timor-Leste, Sri Lanka, Lebanon, Rwanda and Sierra Leone by a variety of development and humanitarian agencies (UNPBF, 2018). When carried out properly, peacebuilding has been associated with achieving sustainable peace, enabling the creation of a legitimate, well-functioning state as well as assisting in economic recovery (Call, 2008:173).

### 1.1.2 Transitional Justice

Within the many activities covered by peacebuilding, transitional justice has become one of its core endeavors. According to the International Center for Transitional Justice, “transitional justice refers to the ways countries emerging from periods of conflict and repression address large scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response” (ICTJ, 2018). The concept was first implemented to help Latin American societies like Guatemala, Argentina or Chile transition towards democracy after years of dictatorship by creating a sense of accountability for the numerous human rights violations that had taken place (Paige & Arthur, 2009:322). Transitional Justice has since been implemented in a variety of other contexts, notably in Sierra Leone, Rwanda, Cambodia and Timor-Leste, and has become a key part of peacebuilding activities (Lekha Sriram, 2007:586). According to the United Nations (UN), “justice, including transitional justice, is a fundamental building block of sustainable peace in countries in conflict and post-conflict situations” (UNGA, 2012:1). When carried out successfully, transitional justice has been associated with assisting in restoring peace, delivering justice and preventing new cycles of violence.

### 1.1.3 Traditional Approaches

Despite the many positive aspects that have been associated with both peacebuilding and transitional justice, both have been plagued by a range of problems due to their tendency of being dominated by Western, top down, “one size fits all” approaches (Mac Ginty, 2010:391; Richmond, 2010:23). This has led to a multitude of issues when put into practice, especially in Sub-Saharan Africa, which is nowadays often considered as a “problem continent whose predicament has defied even the best peacebuilding models” (Amaechi, 2017:5). These issues have however started to gain recognition and efforts have been made to address



this. According to the United Nations Security Council (UNSC), “no rule of law reform, justice reconstruction, or transitional justice initiative imposed from the outside can hope to be successful or sustainable” (UNSC, 2004:7). It was highlighted that “we must learn as well to eschew one-size-fits-all formulas and the importation of foreign models, and, instead, base our support on national assessments, national participation and national needs and aspirations” (UNSC, 2004:1).

This has led to an increase in efforts aimed at integrating local, bottom up perspectives within peacebuilding and transitional justice. More specifically, integrating traditional forms of justice within the aforementioned has been gaining momentum as this has been associated with a number of advantages. According to the UN, traditional forms of justice can be referred to as “the types of justice systems that exist at the local or community level which have not been set up by the State. It can also be seen as a system of justice that usually follows customary law or an uncodified body of rules of behavior” (UNDP, UNICEF & UN Women, 2009:6). These forms of justice often operate at the community level and are rooted in long-standing cultural traditions (Boege, 2011:441). Led by community leaders, elders, chiefs or kings, these processes tend to be based on ceremonies, prayers, rituals and dialogues rather than tribunals or courts and have their roots in precolonial times (Boege, 2011:441).

According to the Organization for Economic and Cultural Development, as much as 80% of the population residing in fragile states rely on non-state actors for various forms of justice (Campbell and Swenson, 2016:113). This was recognized in a report to the UNSC by Kofi Annan, the then-UNSG, who acknowledged that “due regard must be given to indigenous and informal traditions for administering justice or settling disputes” (UNSC 2004:12). Often over-looked, these traditional forms of justice are increasingly being integrated into peacebuilding strategies and transitional justice mechanisms in the post-conflict context as has been observed in cases like Sierra Leone or Rwanda.

#### 1.1.4 Sierra Leone

Sierra Leone, a small West African country and former British colony, was the scene of a brutal civil war from 1991 to 2002 (Gibril Sesay & Suma, 2009:4). Amidst rising ethnic tensions, postcolonial turbulences, economic decline and the exploitation of natural resources, conflict erupted (Musah & Fayemi, 2000:78). The Revolutionary United Front, a rebel force, faced the government of Sierra Leone in a conflict that caused the death of over fifty thousand people (Gibril Sesay & Suma, 2009:4). The civil war was characterized by its numerous human rights abuses including rape and other forms of sexual violence, large-scale killings, forced amputations and the recruitment of child soldiers (Gibril Sesay & Suma, 2009:6; Alie, 2008:130). The conflict came to an end with the signing of the Abuja Protocols, after which both peacebuilding and transitional justice efforts were implemented in order to assist the country in its recovery.

The Special Court for Sierra Leone (SCSL) and the Truth and Reconciliation Commission (TRC) were created to specifically address the legacy of the numerous human rights violations. The SCSL was created by the UN upon the request of the government of Sierra Leone to try the perpetrators of severe conflict-related crimes (Gibril Sesay & Suma, 2009:4). The SCSL stands out from other international courts as it operated under both international law and Sierra Leonean law and was placed in Freetown, the capital of Sierra Leone, rather than abroad (Gibril Sesay & Suma, 2009, 17; Park, 2010:97). The SCSL's approach was often considered a strength as it enabled the court to be less "disconnected from the local experience" (Park, 2010:99). The TRC was a product of the Lomé Peace Agreement (LPA); it focused on recording conflict-related human rights violations with the aim of addressing issues like impunity and emphasized practices like truth-telling and reconciliation in order to encourage the healing and forgiveness process (Gibril Sesay & Suma, 2009:16; Alie, 2008:130; Park, 2010:101). The TRC is known for the efforts it made to involve civil society and increase local participation by for

example engaging religious elders and by encouraging the use of traditional forms of dispute resolution (Gibril Sesay & Suma, 2009:10; Alie, 2008:131).

The SCSL and the TRC received both praise and criticism. One of the recurring arguments surrounding their work was that despite their efforts, both remained anchored in Western approaches. As a response, the organization of Fambul Tok was created in 2007 (Fambul Tok, 2018). Fambul Tok, which is Krio for “family talk”, engages the local communities in a range of traditional activities like cleansing ceremonies, truth-telling bonfires, confessions, apologies and forgiveness in order to achieve reconciliation; thereby strongly differentiating itself from the approaches of the SCSL and the TRC (Fambul Tok, 2018). Sierra Leone is therefore a unique case in its transitional justice approach as it experimented with having several different types of transitional justice mechanisms working in parallel that aimed, to a certain extent and in different ways, to integrate traditional forms of justice (Alie, 2008:131). Sierra Leone has also known relative stability since the end of the civil war as it has yet to relapse into conflict despite high poverty rates and a serious Ebola outbreak in 2014 (World Bank, 2018b)

## 1.2 Aims, Objectives and Significance

The aim of this thesis is to gain a deeper understanding of the different transitional justice approaches implemented in post-civil war Sierra Leone, the Special Court for Sierra Leone, the Truth and Reconciliation Commission and the Fambul Tok, in order to draw more specific conclusions about the discourses that surround it as well as the influence of postcolonialism and legal pluralism on the aforementioned. This thesis also aims to place these results within the broader context of the use of traditional forms of justice within peacebuilding processes and transitional justice mechanisms in Sub-Saharan Africa’s post-conflict societies.

This aim will be accomplished by conducting a Critical Discourse Analysis (CDA) within the context of a single case study about post-civil war Sierra Leone. Based on Norman Fairclough's approach to CDA, three documents will be analyzed: "The Eleventh and Final Report of the President of the Special Court for Sierra Leone", "Witness to Truth: The Final Report of the TRC, Volume Two, Chapter One" and "Fambul Tok: Community Healing in Sierra Leone, Our First Year". Theoretically, the thesis relies on two theoretical frameworks, postcolonial theories of law and legal pluralism, that will provide the basis for analyzing the empirical data.

This research was motivated by the desire to explore traditional, bottom up approaches to peacebuilding and transitional justice in order to examine the idea of seeking "African solutions to African problems". It aspires to critically investigate the Western influences within the usually implemented strategies and wants to explore the effects of using alternative solutions from a socio-legal perspective.

### 1.3 Research Questions

The main, overarching research question of this thesis is as follows:

*"What socio-legal insights can be learned from the study of discourses regarding the use of traditional forms of justice in post-civil war Sierra Leone?"*

The sub-research questions are as follows:

*"How do the discourses surrounding the transitional justice mechanisms employed in Sierra Leone frame and interpret traditional forms of justice?"*

*"How do postcolonial discourses and the existence of legal pluralism impact the integration of traditional forms of justice in Sierra Leone's transitional justice mechanisms?"*

*“How do Western-centric discourses and approaches shape peacebuilding and transitional justice in Sub-Saharan African contexts?”*

## 1.4 Delimitations

Due to the broad nature of the topic, certain boundaries and limitations have been set in place in order to narrow down the scope of the thesis. This thesis will focus its research exclusively on Sub-Saharan Africa and more specifically, on Sierra Leone. While the results of the research carried out within the case study will be context specific to Sierra Leone, making this the main focus of the thesis, attempts will be made to put this in relation to the over-arching topics of peacebuilding and transitional justice in Sub-Saharan Africa. Traditional forms of justice are often referred to interchangeably in various ways; notably customary forms of justice, indigenous forms of justice, informal norms and practices, local forms of justice or community-based forms of justice. Even though they all refer to the same mechanisms, for the purpose of this research the term traditional forms of justice will be used throughout the thesis. The term “postcolonial”, sometimes spelled “post-colonial”, will be used throughout this thesis and will be spelled without a dash. It has been argued that spelling it like this acknowledges that certain forms of colonialism and the aftermath of it are still ongoing; which this research supports (Allen, 1998:144).

## 1.5 Disposition

The thesis is divided into seven chapters. The first chapter consists of the introduction, which includes the background, aims, objectives, significance, research question and sub-research questions, delimitations and deposition. The second chapter is the literature review, which is categorized into four overarching categories and includes a formulation of the research gap. The third chapter is the

theoretical framework, which includes both a presentation and a motivation of the chosen theoretical frameworks; postcolonial theories of law and legal pluralism. The fourth chapter is the methodology, which discusses critical discourse analysis, Fairclough's three-dimensional model, the single case study, the choice of material, ethical considerations as well as strengths and limitations. The fifth chapter is the analysis, which is divided into three main parts and includes several sub-parts. The sixth chapter is the conclusion, which consists of a summary of the findings, the answers to the research questions as well as suggestions for further research. The seventh chapter is the bibliography.

## 2 Literature Review

The purpose of this literature review is to give a critical and analytical overview of the existing literature on the topics of peacebuilding processes, transitional justice mechanisms and the use of traditional forms of justice. These topics have been touched upon by scholars in a wide array of fields, from political science to peace and conflict studies, development studies, human rights, international law and criminal law; among others. The two main streams identified within the literature mostly discuss the problems associated with top down, Western approaches while highlighting the need for alternative, bottom up approaches instead in the Global South and more specifically, post-conflict societies.

### 2.1 Peacebuilding Processes

While peacebuilding has become an indispensable part of post-conflict reconstruction, it has also been associated with a number of issues and problems. A certain amount of failures have been observed over the last few years, for example in South Sudan, Somalia, Afghanistan or the Democratic Republic of the Congo (DRC). In relation to this, the literature on the topic of peacebuilding overwhelmingly highlights how “liberal peace” has become the dominant paradigm within peacebuilding activities; which can at times be problematic (Mac Ginty, 2010:391; Richmond, 2010:23). Often carried out in a “top-down” way by international actors from the Global North, liberal peace reflects the ideological interests of the West while using liberal rhetoric to justify the need for and approaches to peacebuilding (Mac Ginty, 2010:393; Lekha Sriram, 2007:588; Amaechi, 2017:14). Liberal peace has been associated with the promotion of Western values like state-building, democracy, free markets, elections, (re)-establishing the Rule of Law and human rights as a sustainable solution to conflict (Richmond, 2011:44; Mac Ginty, 2010:395; Lekha Sriram, 2007:579).

Issifu (2015) refers to this as the difference between Western approaches to peacebuilding and Indigenous approaches to peacebuilding (Issifu, 2015:66). Western approaches tend to transfer external systems to countries recovering from conflict with the eventual goal of promoting Western ideals (Issifu, 2015:66). The Indigenous approach tends to identify the causes and structures behind conflict and aims to promote sustainable peace through the use of local practices like mediation, reconciliation and pacification in order to restore social harmony within communities (Issifu, 2015:67). This idea is also echoed by Lederach (1997) who identifies “top level” approaches to peacebuilding, which tend to be carried out by the United Nations or the military and mostly rely on cease fires, negotiations and other “trickle down” approaches, and “grassroots level” approaches to peacebuilding, which are usually carried out by local leaders or community members and focus on discussions and mediation instead (Lederach, 1997:44).

Often mentioned throughout the literature in connection to this are the concepts of negative and positive peace. Developed by Johan Galtung, the term “negative peace” refers to the sheer absence of violence (Galtung, 1969:183). The term “positive peace” refers to the presence of other factors like reconciliation, restoration and other constructive aspects related to conflict resolution; which is often the preferred outcome in peacebuilding contexts (Galtung, 1969:183; Almeida Cravo, 2008:16). However, liberal peace has been linked to achieving negative peace rather than positive peace and has even been described as “destabilizing” (Lekha Sriram, 2007:579; Mac Ginty, 2010:394).

Moreover, liberal peace assumes that “modern western, secular, political structures are the norm or the aspiration of much of the world, even though most liberal peacebuilding takes place in non-western, non-developed, non-secular environments” (Richmond, 2011:52). The Western nature of liberal peace has therefore been strongly associated with being hierarchical, postcolonialist, Eurocentric and a thinly veiled promotion of Western interests that further



contribute to “power asymmetries between the Global North and the Global South” (Almeida Cravo, 2008:16; Richmond, 2010:26; Jabri, 2010:42).

Following the repeated failure of liberal approaches to peacebuilding, alternative methods have increasingly been taken into consideration to assist towards the construction of sustainable peace (Mac Ginty, 2010:403; Amaechi, 2017:3; Lederach, 1997:25; Richmond, 2010:32). Lederach (1997) emphasizes the importance of reconciliation as this would engage all sides of the conflict, assist in addressing past violations and help acknowledge traumatic events within society as a pathway towards peace (Lederach, 1997:26). Focusing on the involvement of the local population as well as indigenous ideas and concepts has also become increasingly important within peacebuilding strategies as this would allow to address the underlying causes of a conflict in an environment that is tailor made to the specific context (Almeida Cravo, 2008:16; Amaechi, 2017:9; Mac Ginty, 2010:403; Richmond, 2010:32).

Local, indigenous forms of conflict resolution, conflict mediation, reconciliation and peacebuilding that build upon traditional norms and practices are increasingly being taken into consideration as viable options (Mac Ginty, 2010:403; Richmond, 2011:55; Run, 2013:27). This movement has been particularly strong within the African context, where the idea of seeking “African solutions to African problems” has been gaining traction by utilizing indigenous concepts of peacebuilding based on African traditions, practices and culture (Amaechi, 2017:11; Run, 2013:27). According to Mac Ginty (2010), “there is considerable evidence of liberal peace agents encouraging ‘traditional’ and ‘indigenous’ dispute resolution as part of wider liberal peace interventions” (Mac Ginty, 2010:403).

## 2.2 Transitional Justice Mechanisms

What emerges from the literature in relation to peacebuilding in the post-conflict context is the importance of transitional justice (Lundy & McGovern, 2008:265; Lekha Sriram, 2007:585; Villa-Vicencio, 2009:10; Voorhoeve, 2007:68). Following a violent conflict, addressing the crimes committed during wartime as soon as possible is essential for the population to regain trust and credibility in the state and the legal system (Voorhoeve, 2007:68; Lekha Sriram, 2010:279). However, most post-conflict states do not necessarily have the capacity to arrest and conduct trials of the suspects as the legal system tends to be fully devastated (Voorhoeve, 2007:68). Specific to post-conflict contexts, these temporary mechanisms therefore assist in delivering justice and fighting impunity for crimes related to genocide, war crimes and crimes against humanity (Voorhoeve, 2007:69; Lekha Sriram, 2010:279). Transitional justice plays an important part in rebuilding the Rule of Law, restoring justice and contributing to the creation of sustainable peace in post-conflict societies (Voorhoeve, 2007:68; Baker & Obradovic-Wochnic, 2016:289). It is considered a viable path towards sustainable peace and reinforces the “symbiotic relationship between peace and justice” (Baker & Obradovic-Wochnic, 2016:289).

Another advantage of transitional justice is that it assists in addressing the underlying issues and the root causes of conflict; which could assist in preventing countries from falling into the “conflict trap” (Baker & Obradovic-Wochnic, 2016:282). The “conflict trap” refers to the fact that 39% of countries that are coming out of a conflict will return to conflict in the first five years (Samuels, 2006:23). The chances of conflict re-occurring are usually due to the reproduction of certain patterns and the failure to address the underlying issues that led to the conflict in the first place (Collier & Sambanis, 2002:5). According to Voorhoeve (2007), “most wars sow the seeds of new violence” (Voorhoeve, 2007:19). Acknowledging and addressing the human rights violations committed during a conflict has been shown to be crucial for the creation of lasting peace and could

assist in preventing similar cycles of conflict from taking place (Villa-Vicencio, 2009:10; Baker & Obradovic-Wochnic, 2016:282).

Another important aspect of transitional justice is that it enables the inclusion of the local population during all phases of the process (Clark, 2016:5; Lundy & McGovern, 2008:278). It is important that the local population is viewed as stakeholders and “agents of change” rather than just victims (Lundy & McGovern, 2008:278). This would for example assist in providing a deeper understanding of the conflict, its root causes and the patterns of violence behind it (Villa-Vicencio, 2009:10; Lundy & McGovern, 2008:278). In order to achieve sustainable peace, creating local agency and local participation is therefore key (Lundy & McGovern, 2008:269; Clark, 2016:5).

However, the cases where transitional justice mechanisms have been implemented, like Rwanda, Sierra Leone, Cambodia, Timor-Leste or the former Yugoslavia, have received mixed results indicating that while the concept is promising, it remains flawed. What comes forward as the main issue surrounding the implementation of transitional justice is the overwhelming presence of Western influences (Allen & Macdonald, 2013:6; Lundy & McGovern, 2008:265, Lekha Sriram, 2007:591). The overwhelming majority of transitional justice projects are based on Western legal models (Carothers, 2003:7; Lekha Sriram, 2010:284; Lekha Sriram, 2007:591). These Western models tend to be directly imported and imposed in a top-down way on a foreign country; their outcome is also very largely focused on Western concepts like achieving democracy or (re)-establishing the Rule of Law (Carothers, 2003:7; Lekha Sriram, 2007:591). It has however become clear that this achieves very little as it is not adapted to the local context, does not allow the local population to participate and tends to bring about resistance and increased corruption instead (Carothers, 2009:52; Lekha Sriram, 2010:284). The importation of Western models is “inappropriate for the political and legal cultures in which they are set up” (Lekha Sriram, 2007:579). The overwhelming presence of Western influences within transitional justice has even been likened to being a form of “neo-colonialism” as

it is based on a narrative that frames the West as being “superior” (Lundy & McGovern, 2008:276).

It is also important that justice is understood from a local perspective rather than from a Western perspective, as both can differ quite strongly (Baker & Obradovic-Wochnic, 2016:285; Hyden, 2015:1011). This is particularly the case within the African context- Hyden (2015) argues that “conflicts in Africa need to be understood in the context of local conceptions of justice” (Hyden, 2015:1011). This is due to the fact that liberal justice is greatly based on Western notions of justice as well as the compliance to international legal standards, whereas African notions of justice usually bypass the formal justice system (Hyden, 2015:1011). Most transitional justice mechanisms have therefore been too far removed from local realities, too heavily influenced by Western traditions and have failed to take into account local approaches to justice (Allen & Macdonald, 2013:5; Baines, 2010:20; Hyden, 2015:1011). Models that are adapted to the context of each country and that allow for local, bottom up participation are therefore preferable over the use of top down, Western models (Lundy & McGovern, 2008:283).

Another common mistake is the generalization of developing countries, an approach that has previously proven to be unsuccessful. Implementing something without adapting to the local circumstances is guaranteed to fail (Trebilcock, 2016:348). Everything about a particular country matters; its history, traditions and culture, the political and economic system, the power dynamics, ethnic and religious factors as well as its geo-political surroundings (Trebilcock, 2016:346). This is particularly relevant in post-conflict contexts as “all countries and wars are different” (Voorhoeve, 2007:29). Taking into account the context, for example what kind of conflict took place (genocide, decolonization, state failure, civil war..) as well as other political, historical and cultural factors, is crucial if any legal reforms are to succeed in post-conflict societies (Voorhoeve, 2007:29; Campbell & Swenson, 2016:123). The co-existence of different legal systems, which is common but often overlooked within a lot of postcolonial and post-conflict societies, as well

as the challenges this brings about also need to be taken into account (Corradi & Schotsmans, 2015:4).

According to Baines (2010), “international and national policy makers have imposed a uniform approach on justice after conflict, ignoring the complex local dynamics that are most relevant to people’s lives” (Baines, 2010:415). Tailor-made approaches should thus be favored over classic “one size fits all” approaches (Allen & Macdonald, 2013:6; Lundy & McGovern, 2008:265, Lekha Sriram, 2007:591). According to Corradi and Schotsmans (2015), “in transitional justice, the idea grew around the millennium that each transitional justice strategy needs to identify the most appropriate combination of complementary approaches and mechanisms considering the specific context of the post-conflict country, as a reaction to the one-size-fits-all solutions and externally imposed models used until the early nineties” (Corradi & Schotsmans, 2015:5). The issues that the literature on transitional justice outlines has led to a growing interest in local mechanisms and grassroots approaches and what they could contribute to transitional justice and peacebuilding in post-conflict societies.

## 2.3 Traditional Forms of Justice

The literature on peacebuilding and transitional justice both highlight similar issues: the approaches have been too Western, too top-down and have failed to take into account the local context. In response to this, there has been a growing movement advocating for bottom up approaches that make use of indigenous, traditional mechanisms as a part of transitional justice and peacebuilding (Allen & Macdonald, 2013:1; Boege 2011:432; Mac Ginty, 2011:47; Huyse et.al, 2008:1). More specifically, traditional forms of justice are increasingly being integrated into peacebuilding and post-conflict policies as an alternative or as complementary to the classical approaches (Allen & Macdonald, 2013:1; Boege, 2011:432; Mac Ginty, 2010:348; Samuels, 2006:18; Obarrio:2011:34). Traditional justice has been

found to be more in line with the cultural context of the country as it is based on long-standing practices that are familiar to the community, that are not rooted in Western concepts and that approach the issues from a “bottom up perspective” (Allen & Macdonald, 2013:7; Boege, 2011:443; Mac Ginty, 2010:348).

As previously outlined, Western approaches have had a tendency of homogenizing and generalizing the context in which they operate. Traditional mechanisms however are tailor made to their country, region and the specific community in which they operate (Boege, 2011:440; Mac Ginty, 2010:349). They also focus on concepts centered around harmony, reconciliation, facing the past and the restoration of relationships rather than installing democracy or the Rule of Law (Boege, 2011:439; Baines, 2010:415; Mac Ginty, 2010:349; Huyse, 2008:13). Using traditional justice would also assist in increasing the access to justice, as many in the Global South might not have access to the formal justice system when living in remote areas (Allen & Macdonald, 2013:3; Obarrio, 2011:37; Mac Ginty, 2010:349). Moreover, traditional mechanisms are often seen as more legitimate by the local population as they are not directly associated to the state, which often has a negative connotation in struggling post-conflict societies, and therefore allows for greater participation of the local population (Boege, 2011:448).

However, certain problems have been associated with the use of traditional forms of justice. One that is often outlined within the literature is the fact that traditional justice is often based on certain principles that might be discriminating from an ethnic, religious or gender perspective (Allen & Macdonald, 2013:13; Mac Ginty, 2011:51). This is particularly the case for women, as traditional systems often place men at the top of the hierarchy, thereby allowing them more rights and privileges than their female counterparts (Allen & Macdonald, 2013:14; Boege, 2011:448; Mac Ginty, 2011:51; Obarrio, 2011:34). As Park (2010) points out, “the uncritical embrace of ‘the local’ or ‘the traditional’ is as undesirable as the uncritical imposition of Western norms and practices if local or traditional practices entrench inequalities or reinscribe injustices” (Park, 2010:115).

Another issue with the use of traditional justice, especially in the post-conflict context, is whether it has the ability to handle large amounts of cases related to genocide, crimes against humanity, war crimes or other serious human rights violations (Allen & Macdonald, 2013:15; Boege, 2011:443). Since most forms of traditional justice are linked to a small community or to a certain ethnic group they are usually not well-suited for nation-wide use and tend to work best on a small, local scale rather than a large, national scale (Huyse, 2008:183).

Lastly, another main concern that surrounds the use of traditional mechanisms is that they are not in line with international legal standards, especially in relation to the respect of human rights (Boege, 2011:450; Allen & Macdonald, 2013:13, Obarrio:2011). It is therefore important to achieve a balance where traditional values and international standards can co-exist (Quashigah, 2016:95). Moreover, many traditional forms of justice are informal practices that are not officially recognized on a legal basis, which can at times become problematic. It is however worth pointing out that “international legal standards” is a very Western concept, and expecting traditional mechanisms to reach these standards is once again a very Western expectation (Baines, 2010:415).

The use of non-Western approaches has so far been relatively rare in practice mostly due to the narrative that implies that Western mechanisms are always seen as being the “universal”, “superior” approach. Non-Western, indigenous approaches on the other hand tend to be looked down upon as they are often seen as “uncivilized” or “different” and their use has therefore been met with a certain reluctance (Run, 2013:35; Allen & MacDonald, 2013:434). The most well-known cases where traditional forms of justice have been integrated into transitional justice mechanisms and peacebuilding strategies are mostly located in Sub-Saharan Africa. This includes for example Rwanda, where the International Criminal Tribunal for Rwanda (ICTR), created by the United Nations Security Council, was set up in conjunction with the Gacaca courts, a form of traditional community-based justice,

in order to help address the crimes committed during the horrific genocide of 1994 (Corey & Joireman, 2004:82; Sarkin, 2001:161; Ingelaere, 2008:32). In Sierra Leone, the Truth and Reconciliation Commission and the Special Court for Sierra Leone were implemented to deal with the atrocities that had been committed during the brutal civil war, both of which recognized the importance of traditional justice and attempted to integrate it to a certain extent (Alie, 2008:130; Sesay & Suma, 2009:4; Park, 2010:112). Moreover, a local organization called Fambul Tok was created in parallel to the SCSL and the TRC to address reconciliation at the community level through methods rooted in traditional approaches (Fambul Tok, 2018). Other African cases include Mozambique, where the use of Magamba spirits helped deal with the legacy of years of civil war (Igreja & Dias-Lambranca, 2008:69). In Burundi and in Uganda, diverse forms of traditional justice have been used in efforts to help restore peace and justice following the countries' respective civil wars (Naniwe-Kaburahe, 2008:149; Ojera Latigo, 2008:102).

Although less prominent, other cases have also been observed around the globe. In Afghanistan and Yemen, traditional forms of justice are well-established and widely used; discussions surrounding their integration in the countries' post-conflict transitions have been taking place (Adra, 2011:1; Wardak, 2004:319; Senier, 2006:1). In Guatemala and Colombia, a push for the use and the recognition of indigenous law and traditional justice within transitional justice is gaining traction (Sieder, 2011:62; Van Cott, 2000:214). The Commission for Reception, Truth and Reconciliation in Timor-Leste and the Extraordinary Chambers in the Courts of Cambodia were credited for acknowledging and to some extent making efforts to incorporate aspects of customary law and traditional practices (Allen & Macdonald, 2013:7; Stensrud, 2009:5). Even though the incorporation of traditional forms of justice in both peacebuilding and transitional justice mechanisms is still relatively rare in practice, it is a concept that is gaining traction.



## 2.4 Main Actors

What arises from the literature is that a large part of the projects revolving around peacebuilding, transitional justice and even the ones focusing on the integration of traditional forms of justice are carried out by international organizations like the United Nations, the African Union, the World Bank and the European Union. The UN has made peacebuilding and transitional justice a core part of its work. “An Agenda for Peace”, a report of the Secretary-General from 1992, outlined the importance of peacemaking, peacekeeping and peacebuilding within the UN’s work in conflict and post-conflict societies (UN, 1992:5). This was followed up by numerous reports from the UNSC on transitional justice, peacekeeping and peacebuilding (UNSC, 2004:3; UN, 2010:2; UNSC, 2014:2). The UN also has several active peacebuilding missions, in for example Burundi, the Central Africa Republic and Liberia through the Peacebuilding Commission (UNPF, 2018). The UNSC has intervened several times in post-conflict settings to assist with transitional justice efforts, for example with the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTY, 2018; UNICTR, 2018). Justice and peacebuilding have also been included under the UN’s Sustainable Development Goals, with Goal 16 relating to “Peace, Justice and Strong Institutions” (UN, 2018).

The African Union has also been involved in similar areas, for example through its Agenda 2063 which aims for “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena” through a bottom up approach (African Union, 2018). Some of its sub-goals include human rights, justice and peace (African Union, 2018). The African Union’s department for Peace and Security is also heavily involved with conflict prevention, crisis management, peacebuilding and justice (African Union, 2006; African Union Commission, 2015). The World Bank has been active in peacebuilding through its State and Peacebuilding Fund; the World Bank has also financed many programs over the years aimed at reforming the justice sectors (World Bank, 2018a). The

European Union has also been heavily involved in peacebuilding through several projects and initiatives (Ioannides, 2014:9; Davis, 2014).

Smaller Non-Governmental Organizations and civil society organizations are also increasingly getting involved with these topics, notable the African Centre for the Constructive Resolution of Disputes and the International Center for Transitional Justice. What is worth pointing out however is that the vast majority of the actors involved in projects related to peacebuilding, transitional justice and even traditional justice are large, Western organizations with sometimes dubious track-records in regards to their activities in the Global South.

## 2.5 Research Gap

Reviewing the existing literature on the topic has allowed for the identification of certain research gaps. Peacebuilding strategies and different transitional justice mechanisms have received a lot of attention within academic literature. The long line of failed projects conducted in the Global South and in post-conflict states as well as the controversies and criticism surrounding Western, and more particularly United Nations-led interventions, are therefore well documented. However, the research on the use of traditional forms of justice is significantly less important and is still very much a developing field of research.

Previous research has also shown that most theoretical approaches within the existing literature are not socio-legal but rather based on peace and conflict theories like Lund's conflicts curve, Lederach's model of peacebuilding or Galtung's concept of positive and negative peace. While allusions are made to the problems caused by Western involvement, postcolonial perspectives are rarely applied to these topics on a theoretical level. Theoretical approaches based on legal pluralism are also rare, which is why combining postcolonial theories with legal pluralism would add an interesting perspective to the topic.

An extensive part of the literature also focuses on the wider discourse surrounding the topic rather than particular cases. As this topic is very context specific, it feels like choosing a case to examine would lead to a deeper understanding, hence the choice to carry out a case study about Sierra Leone. Moreover, when it comes to discussing transitional justice, post-genocide Rwanda is the case most widely discussed within academic literature. The widespread and successful use of the Gacaca courts, a traditional community-based approach to justice, within the country's transitional justice mechanisms has made it a classic case to analyze; a substantial amount of literature and research is therefore available surrounding the Rwandan case. The case of Sierra Leone has been significantly less researched, therefore allowing for more space to contribute to the topic.

# 3 Theoretical Framework

This chapter aims to introduce the two different theoretical frameworks that will be guiding the analysis of this thesis; postcolonial theories of law and legal pluralism.

## 3.1 Postcolonial Theories of Law

Postcolonial studies have become a well-established field of research spanning across many different academic disciplines. At the core of postcolonial theories are the power relations between the Global North and the Global South as well as the many different ways in which colonial patterns manifest themselves in contemporary contexts (Doty, 1996; Connell, 2007; Loomba, 1998; Hall, 1992; Said, 1978). Academic research has previously been characterized by a certain “imperial gaze” where most topics are approached from the perspective of the Global North, thereby making the West the universal “point of reference” and rarely acknowledging other perspectives (Connell, 2007:63; Hall, 1992:221).

The way the Global South is viewed is thus often dominated by Western, Eurocentric, colonial stereotypes (Connell, 2007:103; Loomba, 1998:116). There has for example been a strong tendency of creating “hierarchical binary oppositions” between the West (the colonizer) and the Global South (the colonized) (Doty, 1996:155; Connell, 2007:7; Hall, 1992:215). This opposes the Western, Christian, developed world to the underdeveloped, uncivilized, non-Western world (Doty, 1996:155). This creates a narrative of “us” versus “them”, where “they” will only be able to succeed if they become more like “us” (Doty, 1996:162).

The term “Western” also carries a lot of weight as it tends to refer to a developed, modern society and can thereby be used as a tool to classify, differentiate and compare “Western” to “non-Western” societies (Hall, 1992:186). According to Hall (1992), this discourse rooted in power assists in ranking societies and carries strong

underlying connotations, especially the idea that “Western” is automatically associated with positive undertones whereas “non-Western” tends to be associated with negative undertones (Hall, 1992:186). It also frames the Global South as being “traditional” and therefore less modern, less competent and less efficient (Doty, 1996:162).

Said (1978), one of the main founders of the field of postcolonial studies, highlights this division between Western and non-Western societies in his work on “Orientalism” (Said, 1978:7). According to Said, the idea of “orientalism” is a very Eurocentric concept based on Western superiority and Oriental inferiority that enhances the differences between the two and opposes them based on stereotypes (Said, 1979:3). Orientalism is therefore an instrument of domination and control of the West over the East that contributes to Western hegemony (Said, 1979:12). Overall, this has contributed to the creation of deeply rooted patterns of inequality and entrenched power imbalances that are still present nowadays (Connell, 2007:212).

This postcolonial approach also extends itself to the field of law. Postcolonial theories of law seek to recognize the presence of postcolonial aspects within international, regional, state and local legal systems (Darian-Smith, 2013:247; Anghie, 2006:739). It also acknowledges the “soft imperialism” exercised by Western nations over former colonial territories as well as the Eurocentric nature of international law (Darian-Smith, 2013:248; Anghie, 2006:739). Postcolonial theories of law are aware of the “asymmetrical power relations” between the Global North and the Global South transcending into the field of law, which has led to most legal mechanisms being rooted in Western approaches as these are often deemed “superior” (Darian-Smith, 2013:248). This theoretical approach aims to explain contemporary inequalities between the Global North and the Global South through colonial history and aspires to involve the local population of the Global South in future legal reforms through a “bottom up” approach (Darian-Smith, 2013:256).

Overall, postcolonial theories of law can be categorized in two main streams of thought, legal orientalism and Third World Approaches to International Law (TWAIL) (Darian-Smith, 2013:249). Legal orientalism, based on the works of the aforementioned Edward Said, recognizes the “racial and cultural biases” that most legal systems are based on where Western legal systems tend to be regarded as “superior” and Eastern legal system as “inferior” due to them being based on rituals, religions and customs (Darian-Smith, 2013:258). TWAIL, a movement mostly generated from the population and the diaspora of former colonies, aspires to bring to light the injustices and biases within international law that undermine developing countries, especially Africa, by removing Western rhetoric to “decolonize” and “rethink” international law and encourage the development of independent local laws and mechanisms (Darian-Smith, 2014:260; Appiagyei-Atua, 2015:209). In this thesis, postcolonial theories of law will be used to understand the kinds of postcolonial power dynamics that are at play within the different transitional justice mechanisms in Sierra Leone and how this affects the integration of traditional forms of justice.

### 3.2 Legal Pluralism

According to Merry (1988), the concept of legal pluralism refers to “a situation in which two or more legal systems coexist in the same social field” (Merry, 1988:870). This can refer to the coexistence of different forms of law, for example from the local level (national law) to the global level (international law), and also includes coexistences with forms of customary law, religious law or indigenous law (Tamanaha, 2008:375).

Legal pluralism is often linked to colonialism as this led to the quasi-total replacement of indigenous legal systems by Western legal systems (Merry, 1988:870; Quashigah, 2016:99; Joireman, 2001:571). In the context of postcolonial societies, legal pluralism therefore refers to the interaction between European law, which was introduced by the colonizers, and indigenous law, which was present

before the arrival of the colonizers and on which European law was often superimposed (Merry,1988:870). After gaining their independence, a lot of previously colonized countries have retained these Western laws and structures to some extent. This is presently reflected in the complex interaction between Western and indigenous legal systems that can be found in most postcolonial societies, where a homogeneous legal system is often lacking (Quashigah, 2016:98; Joireman, 2001:576; Tamanaha, 2008:382). There is also often a disconnect to be found between state law and social norms in postcolonial societies as these transplanted forms of foreign law often do not reflect the social norms that the majority of the local population adheres by (Tamanaha, 2008:385). According to Tamanaha (2008), legal pluralism in the postcolonial context can be described as “a hodgepodge of coexisting legal institutions and norms operating side by side, with various points of overlap, conflict and mutual influence” (Tamanaha, 2008:382).

Legal pluralism is particularly relevant in postcolonial Africa where “international law, state law, customary law and local norms” coexist and interact, therefore contributing to the creation of a complex legal landscape (Hellum, 2014:103). The African continent has been particularly affected by colonialism as well as different forms of Western involvement, thereby enhancing its legal pluralism. According to Corradi and Schotsmans (2015), “African legal orders are composed of a combination of formal legislation rooted in legal transplants from former colonial powers, co-opted and transformed structures of customary authority with judicial functions, and a multi-layered range of local dispute resolution mechanisms, the legitimacy of which derives from local socio-historical processes” (Corradi & Schotsmans, 2015:4).

In the post-conflict setting, the existence of legal pluralism adds another layer of complexity as many different traditional forms of law tend to be used for conflict resolution, conflict mediation and dispute settlement that might not meet international standards but that are a core part of the local culture (Voorhoeve, 2007:109; Obarrio, 2011:34; Campbell & Swenson, 2016:113; Divon & Bøås,

2017:1381). However, the existence of legal pluralism as well as the complexities that this engenders is a factor that is often overlooked within international strategies that are implemented in the Global South; and has therefore led to a variety of issues and failed projects (Tamanaha, 2011:1; Carothers, 2003:8). In this thesis, legal pluralism will be used to examine to what extent the different transitional justice mechanisms in Sierra Leone recognize the coexistence of different legal systems and this shapes peacebuilding and transitional justice mechanisms.

### 3.3 Motivation of Choices

Postcolonial theories were chosen due to the focus of the thesis being on Sub-Saharan Africa and Sierra Leone. The colonial history of these regions and the strong presence of Western actors means that postcolonial dynamics and power imbalances are at play. This in turn impacts the way peacebuilding and transitional justice strategies are carried out as well as how traditional forms of justice are acknowledged and integrated. The focus on postcolonial theories of law was chosen as this thesis investigates a range of topics connected to law like transitional justice, traditional forms of justice, international law and customary law; areas where these postcolonial dynamics are once again very present and important to acknowledge.

Since this thesis uses a CDA to carry out its research, using Foucault's work on power as a theoretical framework was considered. Postcolonial theories were however chosen over Foucault as it was judged that power dynamics play a central role within postcolonial theories, thereby making it equally relevant when used in connection to a CDA. Due to the important role of colonial heritage and postcolonial dynamics in both Sierra Leone and Sub-Saharan Africa as well as the relevance of examining this in relation to traditional justice, transitional justice and peacebuilding, postcolonial theories were judged as being the most suitable for this research. Moreover, the use of Foucault's work within postcolonial contexts has been described as sometimes problematic due to his "unidirectional and monolithic account of power, one that leaves no space for resistance and counter-hegemonic



knowledge production”; hence the choice to move away from Foucault in this research (Nichols, 2010:133).

Legal pluralism was chosen as Sierra Leone is a postcolonial society, meaning several legal systems coexist in the country including international law, fragmented forms of national law as well as customary law and other informal practices. Although the Sierra Leonean Constitution recognizes both the formal and customary legal system, the formal legal system is rooted in the remnants of British colonial rule and therefore less accessible and less understood by the local population (Mgbako & Scurry Baehr, 2011:172). The customary legal system on the other hand is better understood and more widely used by the Sierra Leoneans (Mgbako & Scurry Baehr, 2011:172). This lack of legal homogeneity adds to the complexity of the legal landscape of the country and therefore has an impact on the implementation of peacebuilding and transitional justice strategies. Legal pluralism also recognizes the importance of informal norms and practices that often lie outside of the official legal system, like traditional forms of justice, thereby adding to its relevance.

These two theories were chosen to be used together as they complement one another well. They are both particularly relevant for the study of postcolonial societies, transitional justice and traditional justice albeit in different ways; postcolonial theories of law look at the power dynamics while legal pluralism looks at the structural aspects of it.

## 4 Methodology

The purpose of this chapter is to give an overview of the methodology employed in this thesis. The aim of this thesis is to understand the “why” and the “how” by gaining an in-depth understanding of the context surrounding the researched topics in order to explain, interpret and analyze them (Bryman 2012:379). Therefore, qualitative methods will be used. Moreover, this thesis will make use of Critical Discourse Analysis based on Normal Fairclough’s three-dimensional model. This will be combined with a single case study about Sierra Leone focusing on the Special Court for Sierra Leone, the Truth and Reconciliation Commission and Fambul Tok.

### 4.1 Critical Discourse Analysis

This thesis will employ a Critical Discourse Analysis to analyze the chosen materials and carry out the research. CDA “emphasizes the role of language as a power resource that is related to ideology and socio-cultural change” (Bryman, 2012:536). It draws on Foucault’s theories and focuses on the connection between language and power, domination and social practice; CDA is therefore frequently used to critically investigate and analyze power relations (Jorgensen & Philips, 2002:1). Language plays a central role within CDA as it is seen as a “form of action” that heavily assists in constructing, shaping, reflecting and understanding the social world (Jorgensen & Philips, 2002:4). It is in language that “unequal relations of power are constituted and reproduced, and in language that social asymmetries may be challenged and transformed” (Blackledge, 2012:617). Power is another central theme within CDA. Rooted within Foucault’s theories, power is viewed as “spread across different social practices” as well as something that can both be oppressive and productive (Jorgensen & Philips, 2012:14). Mostly, “power is responsible for the ways in which the social world is formed, created and talked about” (Jorgensen

& Philips, 2002:14). Acknowledging the unequal power relations that exist between different genders, ethnicities or social classes and how they are historically placed is therefore a central part of CDA (Jorgensen & Philips, 2002:63). Another important aspect of CDA is the fact that it is committed to being critical and political in its approach; CDA aims to address inequalities, injustices and uneven power relations while encouraging social change (Jorgensen & Philips, 2002:64).

#### 4.1.1 Norman Fairclough's Three-Dimensional Model

As different approaches can be found within CDA, this thesis will use Norman Fairclough's three-dimensional model for its analysis. Fairclough's framework is text-based and "places weight on the active role of discourse in constructing the social world" (Jorgensen & Philips, 2002:7). It is an interdisciplinary approach that combines textual analysis with social analysis in order to expose the relationship between text, discourse, power structures and social relations (Fairclough, 1992:72; Jorgensen & Philips, 2002:65).

His three-dimensional model focuses on the analysis of three different aspects within a text. The first aspect focuses purely on *describing* the linguistic aspects by examining the use of vocabulary, syntax and grammar (Fairclough, 1992:73; Jorgensen & Philips, 2002:68). The second aspect, also referred to as "discursive practice", focuses on the *interpretation* of the text through the use of "intertextuality" and "interdiscursivity" in order to examine the ways in which a text is produced, distributed, received and consumed (Fairclough, 1992:73; Jorgensen & Philips, 2002:68). "Intertextuality" refers to the relationship and incorporation of previous texts into a document and "interdiscursivity" refers to the incorporation of different discourses into a document; both these terms are central to the second aspect of Fairclough's three-dimensional model (Jorgensen & Philips, 2002:73). The third aspect, also referred to as "social practice", focuses on *explaining* the text by connecting it to the surrounding social and historical context (Fairclough, 1992:73; Jorgensen & Philips, 2002:68). Overall, Fairclough sees

discourse as “an important form of social practice which both reproduces and changes knowledge, identities and social relations including power relations, and at the same time is also shaped by other social practices and structures”; which his model aims to expose (Jorgensen & Philips, 2002:64).

For this research, three documents were chosen: a report by the Special Court for Sierra Leone, a report by Sierra Leone’s Truth and Reconciliation Commission and a report by Fambul Tok; the choice of which shall be outlined later in this chapter. Fairclough’s three-dimensional model was carried out aspect by aspect (starting with the first aspect, followed by the second aspect and ending with the third aspect) on every document (starting with the report of the SCSL, followed by the report of the TRC and ending with Fambul Tok’s report). Once this was finalized, the gathered data was re-examined, re-organized and re-structured in order to extract overarching patterns from it. This process assisted in identifying recurring topics and therefore enabled the creation of a coherent structure for the analysis. The final analysis is presented per dimension (based on Fairclough’s model) rather than per document in order to avoid repetitions and to be able to emphasize the comparative aspect between every document. The first part of the analysis covers the first aspect of Fairclough’s model, the second part of the analysis concerns itself with the second aspect of Fairclough’s model and the third part of the analysis examines the third aspect of Fairclough’s model. The data featured under every part of the analysis is classified topic-wise; these overarching topics were extracted when the three-dimensional model was first carried out on every document. Connections to the theoretical frameworks, postcolonial theories and legal pluralism, will be made continuously throughout the analysis. The results of the analysis will be summarized and discussed in the conclusion chapter in order to answer the research questions.

## 4.2 Single Case Study

The research will be carried out in the form of a single case study design as this enables the in-depth analysis of a single case (Bryman, 2012:66). The aim is to “generate an extensive examination” of the chosen case and thereby put it in relation to the rest of the research in order to shed light on the overarching topics (Bryman, 2012:71). For this thesis, the case that is to be examined was strategically selected. Sierra Leone was chosen due to its unique approach to peacebuilding and transitional justice, which included multiple mechanisms: the Special Court for Sierra Leone, the Truth and Reconciliation Commission and Fambul Tok. Sierra Leone is also one of the only cases in Sub-Saharan Africa’s post-conflict societies where efforts were made to integrate traditional mechanisms to deal with important crimes and to address the aftermath of the civil war. Moreover, Sierra Leone has entered a longer period of peace and stability without significant relapses since the end of the civil war, therefore making it a relatively successful and unique case in post-conflict reconstruction. Furthermore, since the Sierra Leonean civil war ended sixteen years ago there is enough distance to be able to critically examine the legacy and the impact of the country’s approach to peacebuilding and transitional justice. Lastly, the fact that diverse international actors were involved in the peacebuilding process in Sierra Leone and that the country has an extensive colonial past adds another layer of interest to the Sierra Leonean case. Overall, Sierra Leone could be described as a “unique case” within the case study design as it differs from many of the “classic” peacebuilding and transitional justice cases (Bryman, 2012:70).

## 4.3 Choice of Material

The following documents were chosen to carry out the CDA: “Eleventh and Final Report of the President of the Special Court for Sierra Leone”, “Witness to Truth: The Final Report of the TRC, Volume Two, Chapter One” and “Fambul Tok: Community Healing in Sierra Leone, Our First Year”. These documents were chosen as the SCSL, the TRC and Fambul Tok are the main actors within the transitional justice framework implemented in post-civil war Sierra Leone and were therefore judged to be the most relevant for this research. Moreover, the fact that each of these actors have approached transitional justice in different ways allows for the analysis and comparison of widely different perspectives on the topic. Three annual reports were chosen as these documents are constructed in a similar way and have similar content and purposes; this therefore allows for fair comparisons to be made between them. It should however be noted that very few documents are available on the topic of transitional justice in Sierra Leone. The scope of documents to choose from for this research was therefore very limited. Below, the additional reasons behind each choice of document will be detailed.

### 4.3.1 Eleventh and Final Report of the President of the Special Court for Sierra Leone

The Special Court for Sierra Leone was created by the United Nations together with the government of Sierra Leone and was tasked with prosecuting “persons who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law” for their actions during the Sierra Leonean civil war (SCSL, 2002:1). Established in 2002 and dismantled in 2013, the SCSL produced yearly reports during its eleven years of operation. The Eleventh and Final Report is a 56-page document from 2013 that provides an overview of the activities of the court during its final year as well as an overview of its achievement throughout its functioning. It contains a foreword from the then-President of the SCSL, addressing the then-Secretary-General of the UN and the then-President of Sierra Leone. The

report proceeds to cover a wide variety of topics: a background to the conflict, the creation of the court, the structure of the court and its different branches, its landmark decisions, its legacy projects and its diplomatic relations (SCSL, 2013).

This document was chosen as the SCSL's strategy represents a classic, top-down, Western-led, UN-sponsored approach to transitional justice. The court did however to some extent acknowledge the importance of local participation and has aimed to integrate traditional approaches, thereby making it relevant to the research. Using their final report gives a comprehensive overview of their activities which allows for the examination of the discourses used by the SCSL surrounding the acknowledgment and integration of traditional forms of justice and other related topics into their activities.

#### 4.3.2 Witness to Truth: The Final Report of the TRC, Volume Two, Chapter One

The Truth and Reconciliation Commission was established by the Sierra Leonean government in 2000 after the Lomé Peace Accord. Its purpose was to “create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict” by focusing on healing and reconciliation (UN, 2004). Operational between 2002 and 2004, the TRC published a 1500-page final report upon the end of its functioning in 2004. Addressed to the UNSC and the government of Sierra Leone, it provides a detailed account of all the activities of the TRC during its operation. Volume Two, Chapter One is a 20-page document from 2004 that offers an executive summary of what is covered more in-depth in the rest of the final report. This includes an overview of the conflict, a detailed historical and political overview of Sierra Leone prior to the conflict, the TRC's relationship to the SCSL, its approach to reconciliation as well as its legacy projects (TRC, 2004).

This document was chosen as the TRC's strategy represents a "hybrid" approach to transitional justice; its creation was backed by the international community and its functioning is partly based on Western concepts of peace and justice. However, the TRC also has a strong focus on local participation and has emphasized traditional aspects of justice like reconciliation, healing, truth-telling and forgiving within its approach. This hybridity therefore makes it relevant to the research. Using their final report gives a comprehensive overview of their activities which allows for the examination of the discourses used by the TRC surrounding the acknowledgment and integration of traditional forms of justice and other related topics into their activities.

#### 4.3.3 Fambul Tok: Community Healing in Sierra Leone, Our First Year

Fambul Tok is an organization focused on community reconciliation created by Sierra Leonean national John Caulker in 2007 in response to the slow reconciliation process in post-civil war Sierra Leone, which was then led by the SCSL and the TRC (Fambul Tok, 2018). The activities led by Fambul Tok heavily rely on the participation of the local community and are anchored within traditional approaches like cleansing ceremonies, truth-telling bonfires, confessions, apologies and forgiveness (Fambul Tok, 2018). Fambul Tok published a 21-page annual report after their first year of operation in 2009 that provides an overview of the program, their approach, their results, testimonies and their follow up initiatives (Fambul Tok, 2009).

This document was chosen as Fambul Tok's strategy represents a grassroots, community-based approach to transitional justice that strongly emphasizes the participation of the local population and the use of traditional elements, thereby making it relevant to the research. Using their annual report gives a comprehensive overview of their activities which allows for the examination of the discourses used



by Fambul Tok surrounding the acknowledgment and integration of traditional forms of justice and other related topics into their activities.

## 4.4 Ethical Considerations

This research will aim to be as inclusive and representative as possible yet acknowledges that the subject is too broad to encompass all aspects of it. It particularly aims to stay away from applying a Western, biased, top-down approach to the selected topics. This research also aspires to be as neutral and objective as possible. Moreover, I want to remain aware of my privileged position as an academic researcher throughout the entire process; especially as my background is not related to either Sierra Leone nor Sub-Saharan Africa or the Global South in general.

## 4.5 Strengths and Limitations

The choice was made to employ a qualitative approach, despite common criticism that it is too subjective or that its results are too restricted, as it was judged that quantitative methods would not assist in answering the research questions due to their rigid nature, support of generalizations and the lesser emphasis on context (Bryman, 2012:380). Due to both financial and time-related restrictions, doing fieldwork was not an option even though it is recognized that this would have enabled a deeper, more nuanced perspective on the issue. Carrying out a CDA instead was chosen due to the emphasis this method puts on aspects like unequal power relations, domination and social change; all of which feel very relevant to this research. Fairclough's approach was chosen due to its clear combination of textual and social analysis through the three-dimensional model. It will however be acknowledged that CDA has its limitations, including a possible "linguistic bias" and the fact that a lot of CDA research tends to take place in Western contexts rather

than Global South contexts, all of which will be taken into consideration (Blackledge, 2012:618). Attempts were made to secure several interviews with academic experts specialized in the fields of peacebuilding, transitional justice, traditional forms of justice and/or Sub-Saharan Africa to complement the CDA. However, none of the relevant participants were available or willing to be interviewed for this project, hence the choice to solely focus on a CDA. Even though a comparative case study was briefly considered, a single case study was chosen as this would enable a deeper analysis of the Sierra Leonean case; which was deemed as more relevant for the overarching topics of the research. Even though case studies are often criticized for not being representative enough, it is believed that a single case study will strongly enrich this research (Bryman, 2012:69). Even though the findings will be context specific to Sierra Leone and can therefore not necessarily be generalized on a Sub-Saharan African level, efforts will be made to place the findings of the case study within the broader topics of traditional justice, transitional justice and peacebuilding in order to shed light and offer guidance on these issues.

# 5 Analysis

This chapter aims to critically analyze how the integration of traditional forms of justice and related topics is framed within the approaches of the SCSL, the TRC and Fambul Tok in post-civil war Sierra Leone. Using Fairclough's three-dimensional model as well as both postcolonial theories of law and legal pluralism, it will examine the discourses and power dynamics that surround it, how the different actors refer to the aforementioned and how this has shaped their overall approach. This chapter will thereby seek to examine the connection between language, domination and power relations in the context of peacebuilding, transitional justice and traditional forms of justice in Sierra Leone.

## 5.1 Dimension 1: Language, Discourse and Power

The first part of the analysis will focus on the first dimension of Fairclough's model. It aims to analyze the linguistic aspect of each document by focusing on the choice of words, repetitions, hyperboles and metaphors; among others. As language is filled with power, it will attempt to examine which messages are put forward and which power dynamics are either created or dismantled through the use of language in the reports of the SCSL, TRC and Fambul Tok.

### 5.1.1 Recognizing Traditional Approaches

One of the main noticeable themes within the three documents is the different ways in which traditional approaches are discussed. The SCSL's document is particularly interesting due to their silence regarding traditional forms of justice. No direct acknowledgements are made towards the existence, use or importance of traditional forms of justice throughout the entire document. This silence could be interpreted as potentially being strategic as the SCSL, being created by the UNSC, is rooted in

Western approaches to transitional justice. These tend to not necessarily recognize non-Western, local or traditional approaches and instead prioritize a classic, top-down approach to justice. Indirect references are however made towards the court's efforts to be more inclusive and attentive towards local needs, as will be outlined and examined below.

The document mentions that the SCSL “was the **first** to have a presence on the ground in a post-conflict country” (SCSL, 2013:5). The use of “first”, which is repeated eleven times on this particular page, assists in highlighting the fact that the SCSL operated out of Freetown, Sierra Leone rather than for example The Hague or another Western location, as has previously been the case with most international courts. The choice to place the court in Sierra Leone shows a certain commitment to being more in touch with local realities, practices and demands. The frequent mentions of the SCSL being based in Sierra Leone are accompanied with positive language, for example “the Freetown office played an **essential role**”, which highlights the successful aspects of this decision and thereby underlines the importance of understanding local realities (SCSL, 2013:27).

This sentiment is however slightly counteracted by the following statement:

“The Special Court, by **sheer devotion to duty, self-sacrifice and utter dedication**, was able to achieve those and other firsts despite the **danger** involved in its being set up in a **war-torn country** so soon after the end of **hostilities**” (SCSL, 2013:5).

The SCSL is framed in a heroic manner through the use of hyperbolic language like “sheer devotion”, “utter dedication” and “self-sacrifice” while the language used to refer to Sierra Leone is overwhelmingly negative (“danger”, “war-torn”, “hostilities”). This takes away from previous efforts aimed at bringing forward the uniqueness of the SCSL being based in Freetown and instead shifts the attention to the challenges this has brought rather than the advantages. It also assists in framing Sierra Leone as a dangerous, unstable country which strengthens the pre-existing

power relations between the Global North and the Global South that are rooted in postcolonial tendencies and tend to represent Western countries as superior to developing countries.

The SCSL also regularly mentions throughout the report that it operated under both international humanitarian law and Sierra Leonean law, which indicates the Court's efforts to move away from overwhelmingly Western approaches and instead include national perspectives too.

“When dismissing a motion on child recruitment filed by the Accused Samuel Hinga Norman in the CDF case, the Appeals Chamber considered **international human rights law, international humanitarian law and national practices**” (SCSL, 2013:20).

The reference made to taking into account “national practices” in tandem with international forms of law is interesting as this recognizes to some extent that other forms of local, perhaps even customary, law need to be taken into account aside from international, and thereby Western, law. This recognition of legal pluralism shows efforts in acknowledging how different legal systems tend to interplay, especially in postcolonial societies, and how this needs to be taken into account. However, the use of a vague term like “national practices” indicates a lack of clarity regarding what kinds of “practices” are referred to as it could refer to national law, customary law or even certain cultural traditions that might be widely used but perhaps not legally recognized. The vagueness of the term therefore does not fully acknowledge the myriad of legal systems that are active within Sierra Leone next to international or national law and how this presence of legal pluralism complicates the legal landscape of the country. Not clearly defining it also shows a lack of effort, which combined with the fact that two clear bodies of international law are referred to, indicates that Western forms of law are deemed more important. This pattern of thought can also be connected postcolonial theories of law, which argues that

Western forms of law and Western legal systems are often regarded as being “superior” whereas local forms of law are often seen as being “inferior”.

More efforts made by the court to be in touch with the local population can be seen through the below statement.

“The Language Unit provided simultaneous interpretation in English, **Mende, Temne, Krio** and various other **Sierra Leonean and Liberian languages** at trial proceedings in Freetown and in The Hague” (SCSL, 2013:34).

By recognizing the existence of a multitude of local languages, rather than just English, allowed for the SCSL’s work to become accessible to the local population instead of just the international community, legal professional and the political or academic English-speaking elite.

To the contrary of the SCSL, the TRC does directly, and repeatedly, mention traditional forms of justice in its report as the words “tradition” and “traditional” are repeated nine times throughout the document (TRC, 2004). Furthermore, traditional approaches are mostly framed in a positive light throughout the report, as will be outlined below.

“The object for which the Commission is established is to create an impartial historical record of violations and abuses of human rights and international humanitarian law related to the armed conflict in Sierra Leone, from the beginning of the conflict in 1991 to the signing of the Lomé Peace Agreement; to address impunity, to respond to the needs of the victims, to **promote healing and reconciliation** and to prevent a repetition of the violations and abuses suffered” (TRC, 2004:3).

As can be seen above, the TRC has a mention of “healing and reconciliation” in its mandate, which shows a commitment towards more traditional approaches to

justice, conflict resolution and peacebuilding as both healing and reconciliation are considered as very traditional activities.

“The mandate called upon the Commission to base its reconciliation activities on **the country’s own culture, tradition, and values**. For this reason, **religious and other traditional leaders** were to be used as much as possible in the process” (TRC, 2004:19).

In the above statement, the importance of rooting these activities in the cultural and traditional context of the country is emphasized. This highlights their efforts to move away from blueprint, “one size fits all” approaches that have previously dominated most Western approaches to transitional justice and peacebuilding. The mention of turning to religious and traditional leaders acknowledges the fact that these figures are often the gatekeepers of local communities and should therefore be included in order for these activities to be successful. This also demonstrates efforts to detach itself from postcolonial influences as these are often carried on through transitional justice and peacebuilding mechanisms.

Moreover, there is a heavy use of language related to traditional forms of justice through the entire report with terms like “restoring relations”, “truth telling”, “reparations”, “community acceptance”, “memorial ceremonies” and “sharing experiences” being used regularly (TRC, 2004). References to traditional forms of justice are also framed in a positive manner through the use of words like “recognizes”, “helping”, “effective”, “promote”, “commit”, “fostered”, “encourage” and “creating”; which assists in shaping a discourse that brings forward the qualities and benefits associated with the use of traditional approaches and represents them as positive, successful and beneficial (TRC, 2004). This also assists in counter-acting classic postcolonial discourses that place more value into Western approaches and discredit local, more specifically African, approaches due to them being perceived as “inferior”.

However, some of the discourses surrounding traditional approaches used by the TRC are slightly problematic. For example, in relation to crimes committed against women during Sierra Leone's conflict, the TRC questions "did the **origins** lie in the **cultural** and **traditional history** of Sierra Leone?" (TRC, 2004:14). It also assessed "**traditional** extended **African family structures** and **social fabric**" and looked at "the areas in which women suffer **discrimination** (both under common and **customary laws**) including marriage, divorce, inheritance, property rights, domestic violence and political participation" (TRC, 2004:15). The way the TRC frames these issues makes it come across as if the origins for rape and other forms of sexual violence committed during the conflict could potentially be traced back to Sierra Leone's culture and traditions. While the position of women has often been questioned within traditional forms of justice, as these tend to be very male-dominated and often sideline women, outlining it in this way creates a negative discourse surrounding traditional practices that makes them appear as "backwards" and "inferior". Moreover, connecting sexual violence to African family structures, social fabric and customary laws conveys similar ideas: that traditional approaches are outdated and potentially harmful to women. This in turn strengthens postcolonial discourses that frame the Global South as less advanced and less developed and therefore inferior to the Global North, thereby placing the West at the top of the hierarchy.

Fambul Tok's report takes a different approach by overwhelmingly framing traditional approaches as important, advantageous and highly beneficial; as can be observed throughout the document. The term "tradition" and "traditional" are repeated twenty-five times throughout the report, which assists in highlighting and bringing forward the importance Fambul Tok attaches to traditional approaches (Fambul Tok, 2009). Overarching language related to traditional approaches is also extremely present, with words like "ceremonies", "healing", "truth-telling", "cleansing", "forgiveness", "confession", "chiefdom", "ancestors", "stories" and "reconciliation" re-occurring continuously throughout the report (Fambul Tok, 2009).



This vocabulary is also framed within a very positive discourse as their use is often combined with a language heavy in positive, successful connotations. This can for example be observed in the following statement: “the communities then **sing** and **dance** in **celebration** of this open acknowledgement of and resolution to what happened in the war” (Fambul Tok, 2009:19). The words “sing”, “dance” and “celebration” convey the joyful nature of the use of traditional approaches. The term “rooted in”, which is repeated ten times throughout the document, assists in transmitting the idea that traditional approaches are strong, sustainable and well-established. Overall, the positive discourse used assists in constructing the idea that traditional approaches are successful, desirable and beneficial; which counteracts classic postcolonial discourses that frame any non-Western approaches to law as inferior, unsuccessful and futile.

However, Fambul Tok’s discourse surrounding traditional approaches is also slightly problematic at times, as will be examined below.

“On a **warm late-March evening**, the **sky** still **swirling** with the **afterclouds** of an unexpected storm, two young Sierra Leonean men stood before a **bonfire**” (Fambul Tok, 2009:20).

“As was the case with **each pair of testifiers** that evening, villagers **broke into song** as the young men **embraced** and **danced** around the bonfire” (Fambul Tok, 2009:21).

The language used when describing a traditional reconciliation ceremony is overly romanticized, idealistic and almost poetic. Even though this is meant to highlight the successful nature of traditional approaches, the use of exaggerated, almost hyperbolic language makes it appear as overly perfect and therefore too idealistic. These formulations take away from the credibility of traditional approaches as it

over-emphasizes the positive aspects and neglects to be critical, which perhaps assists in conveying the wrong message.

Overall, diverging discourses are employed throughout the three documents in regard to the representation of traditional forms of justice as well as other traditional approaches. The negative or silent discourses surrounding traditional approaches, mostly noted in the SCSL's report and slightly in the TRC's report, assist in strengthening pre-conceived, postcolonial ideas that traditional approaches are inferior, backwards and worthless; especially when measured up against Western approaches. The positive discourses surrounding traditional approaches, mostly employed in the TRC and Fambul Tok's reports, help counterbalancing this by framing traditional approaches as beneficial, important and successful. The discourses surrounding traditional aspects that are employed within these documents are important to examine as these greatly contribute to the ways traditional approaches are framed and perceived. This in turn also has an impact on how these issues will be recognized and potentially integrated in future policies. If the aim is to increasingly integrate traditional approaches within peacebuilding and transitional justice, it is essential to counter-act the negative discourses around it and instead emphasize the positive ones.

### 5.1.2 The Western Omnipresence

Another theme that comes forward from the documents is that while clear attempts are made to include more traditional, bottom up approaches within transitional justice strategies, there is still a clear, over-arching Western presence. The SCSL has made clear attempts to differentiate itself from other international courts by adopting an approach that is more considerate of the local context and less "top-down". However, as will be examined below, Western mechanisms, approaches and concepts are overwhelmingly framed in a superior way throughout the report, thereby overshadowing local efforts and traditional approaches.

“On 12 June 2000, President Ahmad Tejan Kabbah of Sierra Leone **wrote to** UN Secretary-General Kofi Annan **requesting assistance** in setting up a “special court” for Sierra Leone” (SCSL, 2013:9).

In the above statement, the use of “requesting assistance” conveys the idea that Sierra Leone is a helpless actor without agency in need of Western assistance and support. It frames the UN as a “savior” coming to help a struggling country in its time of need. Moreover, the use of “your Excellencies” by the President of the SCSL to address the UNSG in the foreword of the report strengthens this power relation between the SCSL and its “creator”, the UNSC, where the UNSC dominates over the SCSL (SCSL, 2013:4). This serves as a reminder that despite the SCSL’s autonomy and its efforts to have a local focus, the UN remains the overarching leader that it reports to and that there is therefore an undeniable, ever-present Western influence hovering over the court.

“It is, therefore, my **duty** and **privilege** to submit to you and the Government of Sierra Leone this Final Report” (SCSL, 2013:4).

“My **sincere thanks** and **gratitude** go to the **international community** and those **States** that have **supported** the Special Court both logistically and financially over the eleven years of its existence” (SCSL, 2013:5).

The use of strong, almost submissive words like “duty”, “privilege”, “sincere thanks” and “gratitude” in the above statements highlight once again these power relations between the SCSL and the UNSC, where the UN and the international community remain in charge and are framed as the dominant actors (SCSL, 2013:4). These dynamics are reminiscent of classic postcolonial relations where Western actors are often placed above local actors from the Global South due to pre-conceived, deeply ingrained ideas that the West is “superior” and the Global South is “inferior”.

Another interesting factor is the regular mentions made to Western mechanisms throughout the report that the SCSL turns to in order to “outsource” certain parts of their work; which signals once again the constant, overarching Western presence as will be discussed below. This is particularly interesting as one of the court’s main features is the fact that it is based in Freetown, Sierra Leone and should therefore be able to carry out its work locally rather than from a Western location.

“The principal seat of the Residual Special Court will be in Sierra Leone, but it will **carry out its functions at an interim seat in the Netherlands**” (SCSL, 2013:4).

“On 20 June 2006, he was **transferred to The Hague** and detained at the **detention facilities of the ICC**” (SCSL, 2013:16).

As seen above, the fact that the Residual Special Court will partly carry out its functions from the Netherlands rather than Sierra Leone indicates a certain “form of control” exercised by the West where structures set up in the Global South are not allowed to fully operate independently. The high-profile case of Charles Taylor, the former President of Liberia who was convicted of eleven counts of war crimes and crimes against humanity during Sierra Leone’s civil war, was also outsourced to The Hague and the International Criminal Court (ICC) rather than the SCSL. This shows once again how the West takes over from the SCSL, perhaps due to pre-conceived, postcolonial ideas that Western facilities are “better” and “superior” than the ones established in the Global South, especially for important cases like the one of Charles Taylor. This strengthens the classic Global North-Global South hierarchy where the West seems to govern over Sierra Leonean structures and continuously exercises some form of control (SCSL, 2013).

Lastly, frequent mentions are made towards Western concepts like the Rule of Law, human rights or international law as well as the need for the local population to be “educated” on these matters, which once again indicates this over-arching Western presence that is always framed as “superior”.

“It is my hope that the **skills** they have **enhanced** will continue to be applied to the development of **justice** and the **rule of law** both within and outside Sierra Leone, for the **benefit of humanity**” (SCSL, 2013:5).

“While relatively few in number, the Court’s reach was extended by partnerships with **civil society groups** whose members, **trained by the Outreach Section**, spoke about the Special Court, **the rule of law, human rights and impunity** around the country and later, with the formation of the Outreach Secretariat for Liberia, in that country as well” (SCSL, 2013:36).

“Initially, **the work was not easy**. Court staff **explained** the workings of the Court, the **principles of law and human rights**, the respect for the rights of the accused, and the protection of witnesses” (SCSL, 2013:36).

As seen above, justice, the Rule of Law, human rights and impunity are all very Western concepts that are often employed to “measure” the success of any peacebuilding or transitional justice activities as achieving these is often considered as a universal sign of success. However, these concepts might not mean much once put in a local context as populations in the Global South often have different understanding of peace or justice and therefore use different criteria to “measure” success within their approaches. Forcing the local population to adhere to these Western concepts exposes the power dynamics between the West and the Global South once again as it becomes apparent that Western notions are deemed as superior and more “worthy” over local understandings and approaches. It also highlights the idea that peacebuilding and transitional justice cannot be deemed as successful until these Western criteria are understood and met by the concerned country. Also worth noting is the fact that the promotion of these kinds of Western concepts are usually indirect tools of Western, postcolonial control and domination over the Global South.

Moreover, when referring to “the principles of law” it can be assumed that the report is referring to international law, which is a pre-dominantly Western form of law. As often mentioned within postcolonial theories of law, this strengthens the idea that the only relevant forms of law are Western and thereby overlooks or devalues the existence of other, local forms of law like customary law or traditional practices. It also highlights the need for locals to adhere to international, Western forms of law rather than their own, local forms of law as those are either not recognized or deemed as inferior.

Furthermore, the use of words like “skills”, “enhanced”, “trained by” and “explained” in tandem with hyperbolic, exaggerated language like “the benefit of humanity” and “the work was not easy” assists in framing the local population and their approaches as insufficient and requiring Western training in order to be able to contribute positively. This frames the Sierra Leoneans as “ignorant” and in need of Western education. The idea that only the West knows how to best approach these issues and that the Global South is expected to adhere to this is problematic as this overlooks the ability of the locals to create or utilize their own systems and approaches, thereby taking the focus away from local, traditional approaches. Overall, the discourses employed in the SCSL assists in creating and emphasizing the divide between the West and the Global South.

In the TRC’s report, similar patterns can be found as an over-arching Western presence can be detected and is overwhelmingly framed as being “needed”. However, the TRC takes a significantly more critical approach to this as well, as will be outlined below.

“Although the Lomé Peace Agreement **did not end the fighting entirely**, it began a process that brought a **fragile peace** to the country. The subsequent presence of a **sizeable United Nations peacekeeping force**, the United Nations Assistance Mission in Sierra Leone (UNAMSIL), did much to **ensure that conflict would not**

**be renewed** and that the components of a **lasting peace**, notably disarmament and demobilisation, would be **effected**” (TRC, 2004:3).

In the above statement, a parallel is drawn between the efforts of local actors like the LPA and those of Western actors like the United Nations Assistance Mission in Sierra Leone (UNAMSIL). The work undertaken by the LPA is framed in a negative light, notably through the use of “fragile peace” and “did not end the fighting entirely”, which emphasizes the lack of successful results. The language used surrounding the work of the UNAMSIL is significantly more positive as terms like “sizeable”, “lasting peace”, “effected” and “ensure” are employed to highlight its successful contributions. This parallel created through language assists in strengthening the pre-existing hierarchy and divide between the West and the Global South where the former is always framed as superior and the latter as inferior. It also brings forward the idea that local efforts are not sufficient and that a Western presence is needed to “save” and “assist” Sierra Leone in order to bring about successful results; another example of classic postcolonial thought.

However, in several instances throughout the document, the TRC employs a negative discourse when referring to the UN and the West, as can be seen below.

“However, the subsequent presence of a UN Special Envoy to Sierra Leone **did not abate the fighting and the commission of atrocities against civilians**. In July 1998, the UN Security Council established the UN Observer Mission to Sierra Leone (UNOMSIL) to monitor the security situation and to advise on the disarmament and demobilisation of former combatants. This Mission **never achieved full strength** and is **remembered more for its lack of impact**” (TRC, 2004:14).

The use of negative language surrounding the performance of the UN, notably through the use of negations (“did not abate the fighting”) and hyperbolic language (“never achieved full strength” and “lack of impact”), assists in reducing the image

that the West, and more specifically the UN, always performs better compared to local initiatives. More criticism towards the West can be seen below:

“In the Commission’s view, **the international community** has signaled to combatants in future wars that peace agreements containing amnesty clauses **ought not to be trusted** and, in so doing, has **undermined the legitimacy of such national and regional peace initiatives**” (TRC, 2004:18).

The use of strong language to condemn the actions of the international community (“undermined the legitimacy” and “ought not to be trusted”) serves to discredit their actions and instead brings forward to importance and the value of local peace initiatives. This helps highlight the message that bottom up approaches are both valuable and needed and thereby challenges the classic, pre-existing, postcolonial power dynamics. This also goes against the general discourse observed in the SCSL’s report where local efforts were often looked down upon while Western efforts were framed as significantly superior.

Another interesting aspect of the TRC’s discourse surrounding Western approaches is the fact that it acknowledges the role colonialism has played in the way Sierra Leone’s civil war unfolded, a factor that was for example not acknowledged in the SCSL’s report despite its importance. The language used surrounding the description of colonialism in Sierra Leone is overwhelmingly negative with words like “unequally”, “neglected”, “divide”, “destabilized” and hyperbolic language like “bred deep ethnic and regional resentment” being used throughout the entire paragraph (TRC, 2004:5). This frames colonialism, and thereby Western involvement in the Global South, as harmful and problematic. This defies the classic postcolonial narrative that was previously discussed and instead reverses it by questioning the validity of Western involvement abroad and by highlighting the presence of colonial patterns in contemporary contexts. This is also interesting from the perspective of legal pluralism, as will be discussed below.



“The **colonial government** formalised the **common law** practised in the Colony yet neglected the development of **customary law** in the **Protectorate**, thus **producing two separate legal systems that persist to the present day**” (TRC, 2004:5).

The first part of the sentence of the above quote associates the colonial government with common law and the Protectorate with customary law. The second part of the sentence then emphasizes how this created two different legal systems and how this interaction is still present today. The co-existence of different legal systems within Sierra Leone and the complexities this generates is a factor that has been continuously overlooked in the SCSL’s report. The existence of legal pluralism tends to create a complex, non-homogenous legal landscape; which in turn plays an important role within the implementation of peacebuilding and transitional justice strategies. Acknowledging legal pluralism is therefore highly important.

The Famubl Tok report differentiates itself rather strongly from the SCSL and the TRC’s report as the discourse employed explicitly distances Fambul Tok from Western, top-down approaches; as can be seen below.

“Fambul Tok is a **distinctly Sierra Leonean initiative**” (Fambul Tok, 2009:5).

“[...] embracing a **distinctly different approach** to Western-based engagement with African issues” (Fambul Tok, 2009:7).

The repetition of the word “distinctly” assists in highlighting the difference between Fambul Tok’s Sierra Leonean approach versus classic Western approaches. As can be seen below, a divide is also created through language between Western approaches, which are framed negatively, and African approaches, which are framed positively.

“It is **not** rooted in **Western concepts of blame and retribution**, but **rather** in **African communal sensibilities** that emphasize the need for **communities** to be **whole**, with each member playing a role, if **peace** and **development** are to be **achieved** for the nation at large” (Fambul Tok, 2009:5).

The above quote directly opposes “Western concepts of blame and retribution” to “African communal sensibilities” through the use of “not” and “rather” (Fambul Tok, 2009:5). The language used around these Western approaches is negative (“blame”, “retribution”) while the language used around the African approaches is positive (“communities”, “whole”, “peace”, “development”, “achieved”) (Fambul Tok, 2009:5). A similar pattern can be observed below:

“[...] works from the perspective of **recognizing** and **supporting** African- based answers and initiatives, **rather than** trying to **dictate** the design or implementation of programs **from the outside**” (Fambul Tok, 2009:7).

The use of “rather than” helps yet again to create a parallel between African and Western initiatives. Positive language (“recognizing”, “supporting”) is used when referring to the African-based initiatives while negative language is used when referring to the Western initiatives (“dictate”, “from the outside”). This emphasizes once again the “us” versus “them” discourse that places local approaches over Western approaches. This goes against the classic postcolonial discourse where the existing hierarchy and power relations have led to Western models being valued more than non-Western models. This is particularly applicable when it comes to Western forms of law and Western legal mechanisms as those are usually seen as significantly more successful and reliable, as often argued within postcolonial theories of law. The need for local mechanisms is thereby often downplayed as those are usually seen as backwards and ineffective. The discourse in Fambul Tok’s report is therefore rather unconventional as it defies this classic postcolonial rhetoric and instead highlights the importance of developing, supporting and using traditional, local methods.

Despite the efforts made to distance themselves from Western approaches, it cannot be denied that even in Fambul Tok's reports an overarching Western presence can be discerned. Despite presenting themselves as a locally owned, Sierra Leonean initiative they work in partnership with "U.S.-based operating foundation Catalyst for Peace". The language used in the part of the report that discusses this partnership shifts to a very corporate tone, with the use of words like "leading-edge", "consultative program" or "models of partnership" (Fambul Tok, 2009:4). This is a significant change from the community-based, empowering language previously employed (Fambul Tok, 2009:4).

Moreover, the report mentions that "the program is structuring community ownership at every level. In so doing, it exemplifies a new path for **the international community** in post-conflict reconstruction" (Fambul Tok, 2009:4). The mention of the international community is interesting as it highlights the idea that even within locally-based, traditional approaches the main actors within peacebuilding and transitional justice nevertheless remain the international community rather than local actors. It indicates that a complete detachment from the international community remains challenging and that a certain over-arching Western presence is impossible to avoid.

All in all, various discourses are present throughout the reports of the SCSL, the TRC and Fambul Tok surrounding the recognition and representation of Western influences. Western approaches and mechanisms are framed in a positive, superior manner in the SCSL's report as well as parts of the TRC's report; which strengthens the existing postcolonial power-dynamics between the Global North and the Global South. The TRC and Fambul Tok's reports mostly take a more critical stance towards Western approaches by framing them in a negative light and thereby bringing forward the importance of local, African approaches instead; which defies the prevailing power dynamics. However, even in the cases where Western approaches are questioned, a constant over-arching presence of Western

mechanisms and involvement can be noted. This indicates that despite the efforts made to take distance from the West, its omnipresence is difficult to escape. The discourses surrounding Western involvement are essential to examine as it contributes to the way both Western and traditional approaches are perceived and thereby potentially to what extent they might be integrated into future policies, reforms and strategies.

### 5.1.3 Framing the Local Population

Another interesting theme that reoccurs throughout the three documents is the ways in which the local population of Sierra Leone is referred to. In the annual report by the SCSL, the local population is predominantly framed as helpless and passive; as can be observed in several instances throughout the document.

“By the **tireless efforts** of Outreach, Sierra Leoneans and the world at large were **given the opportunity** to **observe** the Special Court at work in its endeavours to **ensure** that impunity will not be allowed to go **unpunished** and that the rule of law **prevails** at all time” (SCSL, 2013:5).

The hyperbolic language (“tireless efforts”, “ensure”, “unpunished”, “prevails”) used in relation to the SCSL’s work highlights its efforts and success whereas the language used in relation to the Sierra Leoneans (“given the opportunity”, “observe”) has a patronizing tone to it. The use of “given the opportunity” especially emphasizes the idea that the SCSL is doing the local population a favor by “allowing” them to observe their work. This creates a certain hierarchy between the SCSL and the Sierra Leoneans where the local population comes across as passive actors without knowledge or power. The SCSL is thereby placed above them and framed as a leader that will show them the “right” way. The framing of this relationship is reminiscent of postcolonial dynamics, where the West is often placed in a superior position over the Global South and where anything that is not “Western” tends to be looked down upon and seen as less valuable.

“One of the **greatest legacies** that the Special Court has left behind is the **strengthening** of the domestic justice system and national institutions, the **training** and **development of skills** of both international and Sierra Leonean staff and the **transfer of professionalism, knowledge** and resources to national partners” (SCSL, 2013:5).

A similar pattern can be observed here where the statement starts with the use of positive language (“greatest legacies”, “strengthening”) surrounding the SCSL’s achievements. This is followed by references of how the SCSL had to “educate” the Sierra Leonean staff and other national actors (“training”, “development of skills”, “transfer of professionalism”, “knowledge”). This once again creates a dynamic that frames the locals as inferior to the SCSL and makes them appear as devoid of valuable knowledge, skills or training. The phrasing “transfer of professionalism” is particularly interesting as this constructs the idea that the local population was “unprofessional” before the arrival of the SCSL. This is reminiscent of postcolonial rhetoric that often depicts the local population of the Global South as “savage” and “incompetent”; which this formulation strengthens. The above quote also hints at the idea that pre-existing local training or knowledge was deemed insufficient or inadequate and that the only skills and attitudes worth having are the ones given by the SCSL. The SCSL’s approach being based on Western concepts, this indicates a certain postcolonial dynamic where Western expertise is valued more strongly than local knowledge due to the pre-existing power imbalances between the West and the Global South; especially in the field of law as Western legal systems are often seen as “superior”.

“This established an **ambitious** Outreach programme with the aim not only of **ensuring** that the **purpose** of the Special Court was **understood** across Sierra Leone, but also of **granting** to all sections of civil society in the country the **opportunity** to have their voices heard and their expectations of the Special Court identified” (SCSL, 2013:9).

As can be seen above, the work of the SCSL is once again described positively (“ambitious”, “ensuring”). However, the words used in relation to the Sierra Leoneans have a slight condescending tone to it (“understood”, “granting”). The idea that the purpose of the court needs to be “understood” across Sierra Leone makes it seem as if the local population is uneducated and thereby unable to understand the goals of the court by themselves. The formulation of “granting the opportunity” sounds quite patronizing as it come across as if the court is doing the local population a favor by including them in the process and letting them have their voices heard when in reality, this is a precondition for a transparent and legitimate process. This once again highlights the perceived domination and superiority of the SCSL over the Sierra Leoneans.

Another element worth noticing in all the aforementioned quotes is the fact that all the sentences are constructed in such a way that the SCSL is always mentioned first before any references are made to the Sierra Leoneans. This assists in creating a certain divide between the SCSL and the local population and strengthens the hierarchy where the SCSL comes first and the Sierra Leoneans come last.

Although significantly less present, similar patterns can be found in the reports by the TRC and Fambul Tok. The TRC’s report mentions the following:

“The **international community** initially **dismissed** the war as **just another example** of **tribal conflict** in Africa; another **failed** state **imploding** in the context of environmental **degradation** and acute economic **crisis**” (TRC, 2004:4).

The use of “dismissed” in combination with negative language like “failed”, “imploding”, “degradation”, “conflict” and “crisis” frames Africa, and more specifically Sierra Leone and its local population, as a helpless, unstable continent continuously plagued by failures and conflicts. This formulation emphasizes how the international community tends to look down upon Africa as an inferior, weaker

continent and highlights once again the strong presence of postcolonial dynamics where the populations from the Global South and Sub-Saharan Africa tend to be framed as inferior, powerless actors without agency that need to be “educated” and “helped” by Western actors.

Fambul Tok’s report mentions the need to “**sensitize** their communities to the goals and values of Fambul Tok” and to “spread the word and **educate** communities” (Fambul Tok, 2009:15). This frames the local communities as uneducated and unaware of Fambul Tok’s approach, which is slightly ironic since Fambul Tok is largely based on traditional approaches and should therefore not be a foreign concept to the locals but rather a familiar one. Moreover, this reinforces a certain top-down dynamic between Fambul Tok and the Sierra Leoneans that is reminiscent of postcolonial dynamics in the sense that it creates a hierarchy between the Fambul Tok organization and the local communities.

However, to the contrary of the SCSL’s report, the dominating discourses in the reports of the TRC and Fambul Tok frame the local population as empowered, useful and effective; thereby challenging classic postcolonial narratives.

The TRC’s report uses empowering language in relation to the participation of the local population, as will be outlined below.

“Through the National Vision, Sierra Leoneans of all ages and backgrounds have **claimed their own civic space** in the new Sierra Leone and **made their contributions** to the country’s cultural and national heritage” (TRC, 2004:21).

The use of “claiming” conveys the idea that the locals have independence and are empowered while the use of “contributions” indicates the participatory nature of the approach.

“The National Vision has **emphasized** the **significance** of each **individual contributor** to Sierra Leone. The work of **building** a **new** and **better** Sierra Leone belongs to **every stakeholder** in Sierra Leone. The individuals who have lent their **hopes** and **dreams** for Sierra Leone are **vehicles for change**” (TRC, 2004:21).

The use of “individual contributor” and “every stakeholder” highlights the importance of individual participation while the use of the expression “vehicles for change” constructs the idea of the local population as driven agents of change. The overall language used in the above quote is also optimistic (“emphasized”, “significance”, “new”, “better”, “hopes”, “dreams”), which assists in framing the overall message in a positive light (TRC, 2004:21). The word “contributors” and “contributions” are also used five times over the course of one page, which assists in strengthening the importance of the participatory aspect (TRC, 2004:21). Overall, the language used highlights a bottom-up rather than a top-down approach as the local population is listened to rather than told what to do, thereby defying the classic postcolonial dynamic that was previously observed.

Fambul Tok’s report is characterized by the use of participatory language. Words like “brings together”, “dialogue”, “come together” or “consultative process” are regularly used throughout the document, which emphasizes the importance of the active participation of the local population. The recurrent use of empowering language through words like “power”, “contribute”, “capacity” or “ownership” frames the Sierra Leoneans as dynamic, empowered participants rather than helpless, passive objects (Fambul Tok, 2009:7). Moreover, the word “community” is repeated fifty-eight times throughout the report, which strongly emphasizes the importance attached to local, community-level participation (Fambul Tok, 2009). Similar to the TRC’s report, the discourse used signals a bottom-up approach rather than a top-down approach. The participation of the local population is brought forward and framed as important; which goes against the existing postcolonial power dynamics that usually frame the population of the Global South as “inferior” and in need of Western guidance.



Overall, it can be noted that diverging discourses are present throughout all three documents in regards to the framing of the local population of Sierra Leone. The negative discourses employed surrounding the Sierra Leoneans, which is mostly present in the SCSL's report, assist in reinforcing postcolonial stereotypes that depict the locals as inferior, helpless and passive. The positive discourses on the other hand, which are mostly present in the TRC and Fambul Tok's reports, counteract this by framing the Sierra Leoneans as independent, empowered and capable of actively contributing to change. The discourses surrounding the local population are important to acknowledge as they assist in either reproducing or counter-acting pre-existing power dynamics. The way the local population is framed within a document impacts the way their participation and voices are valued and plays a role in the way this is to be approached within future strategies. Within the context of traditional forms of justice, which strongly emphasize local participation and whose roots lie within the local communities, framing the local population as valuable is important as this enhances the chances of these approaches being integrated within transitional justice and peacebuilding.

## 5.2 Dimension 2: Intertextuality and Interdiscursivity

The second part of the analysis will focus on the second dimension of Fairclough's model. It aims to investigate the interpretation of the texts by examining the interdiscursivity and the intertextuality present in the reports of the SCSL, TRC and Fambul Tok. This will in turn assist in assessing what impact this has on the production or reproduction of power relations as well as how this shapes the production, distribution, reception and consumption of the documents.

## 5.2.1 Legal Discourses

Both the reports by the SCSL and the TRC are dominated by a strong legal discourse. This can be noticed through the heavy use of formal legal language. In the SCSL's report, words like "court", "prosecute", "judicial", "tribunal", "trial", "judge", "law", "crimes", "justice", "judgement", "cases", "rule of law", "lawyers" and "convict" are repeatedly used throughout the entire document (SCSL, 2013). Although less strongly in the TRC's report, words like "testimonies", "victims", "law", "criminal justice", "impunity" and "violations" are nevertheless frequently used (TRC, 2004). Moreover, both reports frequently mention international law, international human rights law, international humanitarian law, international criminal law and Sierra Leonean Law (SCSL, 2013; TRC, 2004). The SCSL mentions these different bodies of law a total of thirty-three times and the TRC does it thirteen times (SCSL, 2013; TRC, 2004).

What is worth pointing out is the fact that the legal discourse created in both these reports is overwhelmingly Western. In the SCSL's report, international humanitarian law is mentioned nineteen times (SCSL, 2013). In comparison, Sierra Leonean law is mentioned only five times (SCSL, 2013). Other forms of international law are mentioned eight times while customary law is mentioned only once (SCSL, 2013). A similar pattern can be observed in the TRC's report, where international bodies of law are mentioned nine times while Sierra Leonean law and customary law are only mentioned four times each (TRC, 2004). International, and thereby Western, forms of law are thus represented much more prominently than local, non-Western forms of law. The dominating presence of this Western legal discourse is problematic from a postcolonial perspective as international law has often been associated with having postcolonial, imperial and Eurocentric elements. International law has therefore been described as "biased" and assists in undermining the Global South to benefit the Global North instead. Law and legal systems thereby become a vehicle to perpetuate power imbalances and postcolonial dynamics that once again strengthen the existing hierarchy that places the West at

the top and the Global South at the bottom. By mainly featuring Western forms of law in the legal discourse of both the SCSL and the TRC's report, the prejudices associated with non-Western forms of law remain unchallenged and local, traditional mechanisms remain deprioritized. This discourse also assists in strengthening the existing hierarchy that places Western forms of law above non-Western forms of law.

From the perspective of legal pluralism, this Western legal discourse is also problematic. The replacement of indigenous legal systems by Western legal systems during colonialism has assisted in creating a complex, fragmented legal landscape in most postcolonial societies, including Sierra Leone. However, the interaction of these different kinds of law (traditional and informal practices, customary law, national law and international law) and the challenges this brings are rarely recognized despite the impact this has on peacebuilding and transitional justice mechanisms. Traditional approaches tend to be widely used by the local population for conflict resolution, peacebuilding purposes and for restoring justice yet are rarely recognized, acknowledged and given the same legitimacy as formal forms of Western law. The legal discourse employed in the reports of the SCSL and the TRC being rooted in Western law therefore does not take into account how the legal pluralism in Sierra Leone might impact their activities and challenge the effectiveness of their approaches. Overall, the dominance of this Western legal discourse reinforces existing ideas about the hierarchy of different forms of law and thereby influences the way these documents are received and interpreted.

### 5.2.2 Political Discourses

Although less strong, a political discourse can be discerned in the SCSL and the TRC's reports. This can be noticed through the recurring use of language like "government", "conflict", "independence", "negotiations", "military coup", "president", "elections" and "power" (SCSL, 2013; TRC, 2004). The interesting aspect about these political discourses is that it assists in framing the government

of Sierra Leone as well as local politics in general in a negative light. The way the discourse is constructed shapes the government as helpless, unsuccessful and incapable both before, during and after the conflict.

The SCSL's report for example mentions "the inability of the government forces to independently repel the RUF", how the locally-led "peace process broke down and hostilities resumed" and how the President of Sierra Leone "wrote to UN Secretary-General Kofi Annan requesting assistance" (SCSL, 2013:8). The TRC's report mentions how elections "revealed the depths of ethnic and regional polarisation in Sierra Leone" and were "scarred by bitter power struggles based on ethnicity, personality and party affiliation" (TRC, 2004:6). It also discusses how the military rule "compelled others to seek alternative routes to power" and "set the scene for multiple further coup attempts in the following decades" while the government "sustained itself through corruption, nepotism and the plundering of state assets" (TRC, 2004:6). Overall, it argues that "proper governance is still an imperative, unfulfilled objective in Sierra Leone. Corruption remains rampant and no culture of tolerance or inclusion in political discourse has yet emerged" (TRC, 2004:8). These political discourses reinforce classic postcolonial stereotypes that depict the politics of the Global South as failures. Not only do these discourses fail to acknowledge what the West might have had to do with the creation of bad governance in the Global South through for example colonialism, they also reproduce and reinforce pre-existing power imbalances, stereotypes and inequalities between the West and the Global South. This thereby influences the way these documents are received and understood.

What is worth mentioning is the fact that neither a legal discourse nor a political discourse is present in the Fambul Tok report. It is therefore not entrenched in similar legal or political structures as the SCSL and the TRC's reports. The Fambul Tok report does not seem to have a dominating discourse other than perhaps a social one, but it does not seem to assist in conveying any other messages but bringing

forward the idea that community-based activities, empowerment and engagement are important for successful reconciliation.

### 5.2.3 Intertextuality

In regards to intertextuality, it can be observed that the SCSL's report is heavily embedded within Western, and more specifically UN-related, frameworks. First of all, the court itself was created by the UNSC. This is particularly interesting as the UNSC has five permanent members: the United States, the United Kingdom, France, China and Russia (UNSC, 2018). Since Sierra Leone has a colonial past with the United Kingdom, this aspect becomes particularly compelling due to the possibilities this enables in relation to postcolonial, strategic, power-related interests. The report itself is also addressed to the UNSG and the president of Sierra Leone, which signals once again how the report is ingrained into Western, UN-related frameworks (SCSL, 2013:4).

Furthermore, regular references are made throughout the report to external texts, documents or laws that are predominantly Western in nature and often related to the UN. The UNSC is mentioned regularly, notably the Security Council Resolution 1688 of 2006, which referred to the trial of former Liberian President Charles Taylor, as well as the Security Council Resolution 1315 of 2000 which authorized the UNSC to establish the SCSL (SCSL, 2013:27). The UN charter is also mentioned as well other special courts created by the UN, the ICTY and the ICTR, and several UN peacekeeping missions like UNAMSIL, UNIPSIL and UNMIL (SCSL, 2013:31). These regular references to UN-based documents, resolutions and structures indicates how heavily this is embedded into the SCSL's report. The UN being a predominantly Western organization, this strengthens the Western, top-down nature and the associated postcolonial power relations that characterize the SCSL.

References made to non-UN texts include several articles of the Statute of the Special Court, the Residual Special Court Agreement and the Statute annexed to it, the ICC and several forms of international law (SCSL, 2013). Although these texts are not directly related to the UN, they are Western in nature and therefore indicate the reproduction of similar power relations as outlined above. The absence of intertextuality related to any African or Sierra Leonean documents is noticeable in the SCSL's report, thereby highlighting once again how deeply embedded into Western structures the SCSL is and how deeply it rejects the notion of legal pluralism; which in turn influences the way the SCSL's report is received and interpreted.

The TRC's report on the other hand is embedded into both Western and more local, African frameworks. First of all, the TRC was established through the Lomé Peace Accord. The negotiations for the LPA took place in Lomé, Togo and therefore indicate an association to more local, African backgrounds. It is however worth pointing out that despite this, the TRC's final report is addressed to both the UNSC and the government of Sierra Leone, which still signals a certain association with Western structures.

Throughout the report itself, numerous references are made to Western and UN-based texts. This includes for example mentions of the UNSC, the SCSL and UN missions like UNAMSIL and UNOMSIL (TRC, 2004:17). The report also discusses the Convention on the Elimination of All Forms of Discrimination Against Women, a treaty adopted by the United Nations General Assembly (UNGA), the Kimberley Process Certification, a process related to conflict diamonds established by the UNGA, as well as different bodies of international law (TRC, 2004).

This is however counterbalanced by the numerous references made to African and Sierra Leonean texts. On the African level, the report mentions the Economic Community of West African States as well as the Protocol to the African Charter

on Human and Peoples' Rights on the Rights of Women in Africa (TRC, 2004:15). On the Sierra Leonean level, the report mentions the 1991 Constitution of Sierra Leone as well as the Poverty Reduction Strategy paper, Vision 2025 and the National Commission for Disarmament, Demobilization and Reintegration (TRC, 2004:8). Lastly, several references are made to different articles from the Lomé Peace Agreement and both the act and the mandate of the TRC (TRC, 2004:3). The intertextuality of the TRC's report indicates a stronger association with African and Sierra Leonean structures while distancing itself from exclusively Western structures; which is in line with their "hybrid" approach. This intertextuality moves away from being deeply embedded in Western frameworks and instead has a more local focus. This defies classic postcolonial power dynamics and emphasizes the recognition of legal pluralism; which in return shapes the way the TRC's report is received and interpreted.

Throughout the entirety of the Fambul Tok report, no mention is made to any outside texts, documents, treaties, conventions, resolutions or laws. This lack of intertextuality is interesting as it indicates that the report is detached from previous texts and therefore not embedded into pre-existing discourses and structures. This independence is particularly interesting as, to the contrary of the SCSL and the TRC's reports, it thereby moves away from being heavily associated with previous Western documents which is in line with their local, grassroot approach. This also challenges postcolonial dynamics as Western frameworks are ignored and local, traditional approaches are instead brought forward.

However, numerous quotes taken from interviews carried out by the organization are featured throughout the report. A large quote is featured on each page from journalists, Sierra Leoneans that have participated in Fambul Tok's activities and Fambul Tok's staff (Fambul Tok, 2009). Below are a few excerpts:

"I have seen that Fambul Tok has brought peace and reconciliation and love. What Fambul Tok has done for us, even money cannot do for us" (Fambul Tok, 2009:24).

“Fambul Tok is the only project that will bring peace” (Fambul Tok, 2009:31).

“I just really look forward to what Sierra Leone will look like when Fambul Tok goes nation-wide!” (Fambul Tok, 2009:37).

As can be seen above, these quotes are overwhelmingly positive as they heavily praise Fambul Tok’s approach and activities. They clearly lack neutrality and appear to have been strategically chosen. The quotes featured throughout the report therefore strongly influence the way the document is received and interpreted.

## 5.3 Dimension 3: Acknowledging the Social Context

The third part of the analysis will focus on the third dimension of Fairclough’s model. It aims to connect the reports of the SCSL, the TRC and Fambul Tok to both the over-arching social context that applies to all three mechanisms as well as the individual social context that is relevant for each individual mechanism.

### 5.3.1 Western and UN-led Failures

The civil war in Sierra Leone, and the peacebuilding and transitional justice strategies used to deal with the aftermath of it, came on the backdrop of some major global changes within the international system as well as a range of Western, UN-led failures. Decolonization, a process that spread out between the 1940’s and the 1990’s, led to a “vast reshaping of the world” (UN, 2018). These waves of newly independent states challenged the previous power dynamics of the world, especially throughout Africa (Sanders, 2017:480). The end of the Cold War in 1991 led to another major global geopolitical shift as the previous “bipolar” power balance in the world was readjusted (Melander, Öberg & Hall, 2009:511). Overall, these two



events triggered a global power readjustment that greatly shaped the following decades.

Moreover, the late 1990's and early 2000's were characterized by several other turning points in international relations. The aftermath of the UN's failure to intervene in both Rwanda and Srebrenica, which led to two devastating genocides, greatly shaped the international community's involvement abroad. During the Rwandan genocide of 1994 it is estimated that between 500 000 and 1 000 000 Tutsis were massacred over the course of a hundred days (Issifu, 2015:67). Despite the presence of a UN peace keeping mission, clear warning signs that Rwanda was on the verge of a large-scale disaster, the international community failed to intervene on time and prevent the situation from escalating (Eriksson, 1996:19). Similar feelings were echoed after the Srebrenica genocide in 1995, where over 8000 Muslim men were killed in Bosnia and Herzegovina (Human Rights Watch, 1995:3). Attacks were carried out on what had been declared as "safe areas" by the UN and the peacekeeping forces are widely believed to have severely mishandled the situation (Human Rights Watch, 1995:1).

This, combined with the many conflicts that took place worldwide during these years (for example in Afghanistan, Somalia, DR Congo and Liberia), challenged the ways the international community responded to conflict and peacebuilding. After a range of underwhelming performances, a shift took place in how to best approach these issues that questioned the existing strategies; which in turn greatly shaped the way peacebuilding and transitional justice was to be approached from there on out. Top-down, blueprint, Western-rooted approaches that used to be the norm started being challenged and instead, the need for more bottom-up approaches in line with the local context came forward; as can be seen in Sierra Leone.

### 5.3.2 International Courts

Over the years, the international community, and more specifically the UN, has gradually shifted towards integrating the creation of international courts to deal with the aftermath of large-scale crimes committed during conflicts into their peacebuilding and transitional justice strategies. This most famously includes the ICTR and the ICTY, which were the first of their kind and are said to have “changed the landscape of international humanitarian law” (ICTY, 2018). The ICTR was created in 1994 and placed in Arusha, Tanzania by the UNSC (UNSC, 2004:13). The ICTR had jurisdiction over crimes related to genocide, crimes against humanity and war crimes that were committed during the Rwandan genocide (ICTR, 2018). The ICTY was created by the UN in 1993 and based in The Hague, Netherlands (ICTY, 2018). The ICTY was founded to address the genocide, war crimes and crimes against humanity that had taken place during the conflict in the Balkans (ICTY, 2018).

Both these courts were hailed for laying the foundations for new ways to address justice in post-conflict settings. However, both were also criticized for their numerous shortcomings. The ICTR and ICTY both received criticism for being out of touch with the local population and for having too much of a “top-down”, Western approach (Scharf & Kang, 2005:916). Both were also deemed too expensive, time consuming and lacking in efficacy as the ICTR only indicted 93 individuals and sentenced 62 while the ICTY indicted 161 individuals and sentenced 90 (ICTR, 2018).

The SCSL was created in the same vein as the ICTR and the ICTY, which makes it one of the few UN-created international courts that operates in a post-conflict setting. The ICTR and the ICTY undoubtedly greatly shaped how the creation of the SCSL was approached, as the SCSL learned from both their successes and their failures. Certain of the key characteristics of the SCSL, like its stronger focus on connecting with the local population and the fact that it operated under both

international and Sierra Leonean law, were undoubtedly inspired by the experiences of the ICTR and the ICTY. However, these international courts are still a very Western, top down approach to justice that is rooted in postcolonial power imbalances. It places more weight on Western forms of law, as those tend to be deemed “superior”, and roots most of its mechanisms within very Western understandings of justice. From a legal pluralism perspective, it also tends to only recognize international law and national law; thereby overlooking the presence and importance of customary law and other informal, traditional practices.

### 5.3.3 Truth and Reconciliation Commissions

The rising trend of establishing international courts was combined with a global push to also address justice from different angles. After several successful experiments, the use of truth and reconciliation commissions increasingly became a part of peacebuilding and transitional justice strategies. South Africa’s Truth and Reconciliation Commission was established in 1996 after the end of apartheid (South African TRC, 2018). Its aim was to assist the population in recovering from the human rights violations that had been committed during apartheid by emphasizing reconciliation (South African TRC, 2018). South Africa’s TRC is often credited for contributing to the country’s recovery and has been deemed one of the most successful executions of a TRC; which sparked a movement amongst many other countries to set up similar commissions based on the South African model (Jenkins, 2002:239). This includes for example the Commission for Reception, Truth and Reconciliation in East Timor, which was established in 2001 after the Indonesian occupation of Timor-Leste and the ensuing conflict (USIP, 2018). Through reconciliation, it aimed to assist the local population in recovering from the human rights violations committed during the war (USIP, 2018).

However, the now-frequent use of TRCs has “given rise to the notion that the TRC represents a model which can be transplanted as a sort of ‘quick fix’ solution to other societies damaged and fractured by a legacy of gross and systematic violations of human rights” (Jenkins, 2002:239). The use of TRCs has gradually become a standard part of the peacebuilding and transitional justice “toolkit”, despite the occasional underperformance of these sorts of mechanisms, especially in Africa (Jenkins, 2002:239).

All in all, the lessons extracted from the previous TRC experiments has undoubtedly greatly shaped the approach used for Sierra Leone’s TRC. Moreover, Truth and Reconciliation Commissions are a mechanism that tries to bridge classic Western, top-down approaches (like international courts) by attempting to include more local approaches rooted in tradition. This therefore challenges postcolonial dynamics by valuing non-Western forms of law and supporting local approaches. It also recognizes legal pluralism and places an emphasis on the importance of customary law and informal, traditional practices.

#### 5.3.4 Traditional and Local Approaches

As previously outlined, the last few decades have been greatly characterized by significant failures in the Western, UN-led approaches to peacebuilding and transitional justice. This has led to a gradual shift towards integrating more strategies and mechanisms rooted in traditional approaches, as those are believed to be more successful.

The most famous case of this is the use of the Gacaca courts, which were used during Rwanda’s post-genocide recovery and post-conflict rebuilding. On the country’s quest to deliver justice for the crimes committed during the genocide, the Gacaca courts were implemented in 2002 in parallel to the ICTR and the national legal system to assist in addressing the thousands of genocide cases that were still

pending (Sarkin, 2001:161). According to Human Rights Watch, the Gacaca courts are “one of the most ambitious transitional justice experiments in history” (Human Rights Watch, 2011:1). Literally translating to “justice on the grass”, these courts are a form of grass-root level, community justice based on traditional approaches to justice and conflict resolution (Corey & Joireman, 2004:82). Its bottom up approach allowed for the involvement of the local population in delivering justice and rebuilding the country (Human Rights Watch, 2011:1). The Gacaca courts are in line with traditional methods and therefore promote reconciliation, forgiveness and reintegration (Human Rights Watch, 2011:1). The Gacaca courts have been credited for solving 1.958.634 cases and have been referred to as a “home-grown Rwandan solution” (Nyseth Brehm, 2014:347). Rising from the ashes of its genocide, Rwanda is now often considered a model of African post-conflict reconstruction.

The Gacaca courts have been hailed worldwide as a success, which has led to traditional approaches being increasingly put in the spotlight as a more sustainable and appropriate alternative. The Rwandan case has greatly inspired the integration of the use of traditional forms of justice within peacebuilding and transitional justice strategies. The example of Rwanda led the way for other traditional, grassroots approaches to develop in other countries, which in all likelihood influenced and shaped the emergence of organizations like Fambul Tok in Sierra Leone. Furthermore, these traditional approaches are for the most part removed from postcolonial influences as they have their roots in pre-colonial times. They also challenge these power dynamics by emphasizing and supporting local approaches to law and justice over Western laws and Western justice mechanisms. From a legal pluralism perspective, traditional approaches also recognize the co-existence of different legal systems within a society. It does not only recognize international and national law but also customary law as well as other local traditional approaches to justice.

## 6 Conclusions

This chapter aims to finalize the research carried out in this thesis by summarizing the findings of the analysis, answering the research questions as well as reflecting on the possibilities for further research.

### 6.1 Summary of the Findings

The first dimension of the analysis examined the use of language as well as the significance of it in the reports of the SCSL, TRC and Fambul Tok through three main, over-arching topics. The different ways through which power imbalances can be either carried on or challenged through language as well as the influence and impact this can have on policies, events and strategies was thereby explored. The SCSL's report did not explicitly recognize the importance of traditional approaches within peacebuilding and transitional justice, had a strong Western omnipresence within its activities and had a tendency to frame the local population in a negative light; which coincides with their more "top-down" approach to transitional justice (SCSL, 2013). The TRC's report recognized traditional approaches but only to a certain extent, was more critical towards Western influences and presented the local population in a more empowered way; which is in line with their "hybrid" approach to transitional justice (TRC, 2004). Fambul Tok's report greatly acknowledges traditional approaches while distancing itself from Western approaches and putting the emphasis on the importance of local participation; which is in line with their "bottom-up" approach to transitional justice (Fambul Tok, 2009).

The second dimension of the analysis examined both the interdiscursivity and the intertextuality present in the reports by the SCSL, TRC and Fambul Tok. The impact the aforementioned has on creating or reproducing power relations was also assessed and particular attention was paid to the way interdiscursivity and intertextuality influence the reception and interpretation of the documents. The

SCSL's report is characterized by its strong legal and political discourse; it was also found to be strongly embedded within Western frameworks, which coincides with its "top-down" approach to transitional justice (SCSL, 2013). The TCR's report shares the SCSL's legal and political discourse but was embedded into both Western, African and Sierra Leonean structures; which is in line with its "hybrid" approach to transitional justice (TRC, 2004). The Fambul Tok report differentiates itself due to the lack of either legal or political discourse and its independence from Western or local intertextuality; which is in line with their "bottom up" approach to transitional justice (Fambul Tok, 2009).

The third dimension of the analysis focused on explaining the documents by connecting them to their broader social context. Peacebuilding and transitional justice strategies were linked to the broader context of decolonization, the end of the Cold War and a range of UN-led failures as these events greatly shaped the way these strategies were shaped and carried out. The SCSL was connected to previous international courts, the TRC to previous truth and reconciliation commissions and Fambul Tok to previous traditional approaches as these are all believed to have greatly influenced the nature and execution of each mechanism and can therefore assist in understanding each document more thoroughly (SCSL, 2013; TRC, 2004; Fambul Tok, 2009).

Overall, the CDA helped expose the relationship between language, power and domination present in all three documents and relate it to postcolonial theories and legal pluralism. This assisted in creating links to the rest of the overarching research on traditional forms of justice within transitional justice and peacebuilding mechanisms in Sierra Leone.

## 6.2 Answer to the Research Questions

*“What socio-legal insights can be learned from the study of discourses regarding the use of traditional forms of justice in post-civil war Sierra Leone?”*

The study of the different transitional justice mechanisms in post-civil war Sierra Leone and the discourses that surround them brought forward a range of socio-legal insights in relation to the use of traditional forms of justice. The research highlighted the different ways in which traditional forms of justice successfully contributed to peacebuilding processes in Sierra Leone. They were associated with a range of positive aspects like the fact that they were removed from Western influences, involved the local population, fit the local context, addressed the root causes of conflict and were most sustainable; as seen with the TRC and Fambul Tok (TRC, 2004; Fambul Tok, 2009). However, the research has also shown that mechanisms rooted in Western concepts, ideas and approaches still largely dominate the field of peacebuilding and transitional justice; as seen with the SCSL (SCSL, 2002). Traditional approaches are thereby overshadowed by negative discourses, postcolonial dynamics and unequal power relations; which undermines their contributions. Overall, while there has been a growing tendency to integrate traditional forms of justice within peacebuilding and transitional justice mechanisms, examining the case of Sierra Leone has shown that traditional forms of justice have only occupied a rather minor role.

*“How do the discourses surrounding the transitional justice mechanisms employed in Sierra Leone frame and interpret traditional forms of justice?”*

The different transitional justice mechanisms in Sierra Leone overwhelmingly highlight the Western domination within discourses surrounding traditional forms of justice, which heavily shapes the way these issues are approached and defined. Traditional justice and other related issues, like the depiction of the local population, the Global South in general or other local mechanisms, are pre-



dominantly framed in a negative way and are presented as inferior, less capable and more “backwards” than their Western counterparts; as seen mostly with the SCSL and occasionally with the TRC (SCSL, 2002; TRC, 2004). Traditional forms of justice and other traditional approaches therefore find themselves often overlooked and in the “background”. Still overshadowed by Western mechanisms, they have not yet been granted the same “status” that would bring them up in the hierarchy and make them more largely integrated as well as framed in a more positive, successful manner. There is however a growing trend to move away from this, which can be seen by the efforts made to integrate more traditional aspects and the sometimes positive discourses that surround it, indicating potential for change; as seen with the emergence of Fambul Tok for example (Fambul Tok, 2009).

*“How do postcolonial discourses and the existence of legal pluralism impact the integration of traditional forms of justice in Sierra Leone’s transitional justice mechanisms?”*

The presence of strong postcolonial discourses can be detected within most transitional justice mechanisms implemented in Sierra Leone (SCSL, 2002; TRC, 2004; Fambul Tok, 2009). As often discussed within postcolonial research, this emphasizes the existing power dynamics that frames the Global North as superior and the Global South as inferior while also strengthening the current Western-dominated hierarchy (Doty, 1996; Connell, 2007; Loomba, 1998; Hall, 1992; Said, 1978). Local, traditional approaches are therefore undermined due to the biases associated to it that stem from these postcolonial dynamics. This leads to a lesser integration of traditional forms of justice as these are perceived as inferior and less successful. As previously outlined in the theoretical chapter, Western structures, and especially Western laws and Western legal mechanisms, are not only seen as superior; they are also often used as a form of control and domination over former colonial territories (Darian-Smith, 2013:248; Anghie, 2006:739). This is problematic as it leaves less space for the development of local mechanisms that are removed from Western influences and offer alternative, indigenous solutions.

Legal pluralism on the other hand is rarely recognized, which impacts the way most transitional justice strategies were carried out in Sierra Leone (SCSL, 2002; TRC, 2004; Fambul Tok; 2009). As highlighted in the theoretical chapter, the coexistence of different forms of law is an important part of the legal landscape in most postcolonial societies, yet this is often overlooked in practice (Merry, 1988:870; Quashigah, 2016:99; Joireman, 2001:571). Western forms of law as well as Western legal models are overwhelmingly recognized within the existing strategies whereas traditional mechanisms, non-Western forms of law like customary law or religious law as well as the importance that informal practices occupy is too often ignored (SCSL, 2002; TRC, 2004; Fambul Tok; 2009). This can lead to problems as not fully recognizing legal pluralism means not fully understanding Sierra Leone's complex legal landscape that these transitional justice mechanisms operate in. Most approaches to transitional justice in Sierra Leone, especially the SCSL and the TRC, therefore do not properly reflect or include traditional forms of justice and other informal practices due to the lack of importance attached to legal pluralism.

*“How do Western-centric discourses and approaches shape peacebuilding and transitional justice in Sub-Saharan African contexts?”*

Western approaches still overwhelmingly dictate and shape peacebuilding as well as transitional justice strategies applied in Sub-Saharan African contexts. In the case of Sierra Leone, as well as many other countries, the issues associated with this are substantial. The research on Sierra Leone has highlighted the importance of traditional forms of justice as well as the fact that the benefits that come from integrating these is often under-recognized. The involvement of the local population, as well as their potential to contribute and to be agents of change, is often lacking due to pre-conceived ideas that they are uneducated, benighted, helpless and passive. Local mechanisms are still majorly seen as inferior, whether it be legally or politically, which leads to a dominance of Western instruments. As echoed in the literature review, in peacebuilding and transitional justice, this means

that Western legal models are transplanted, operating under Western forms of law and aiming for the achievement of Western concepts, like economic growth, the Rule of Law or democracy (Richmond, 2011:44; Mac Ginty, 2010:395; Lekha Sriram, 2007:579). These are not tailored to the local context and thereby unable to address the root causes of conflict in a sustainable way (Almeida Cravo, 2008:16; Amaechi, 2017:9; Mac Ginty, 2010:403; Richmond, 2010:32). The Western “toolkit” for peacebuilding and transitional justice in Sub-Saharan Africa mostly includes “one size fits all” packages implemented from a top-down perspective, which is inefficient at best and harmful at worst (Allen & Macdonald, 2013:6; Lundy & McGovern, 2008:265, Lekha Sriram, 2007:591).

## 6.3 Further Research

As outlined in the literature review, the topics of peacebuilding and transitional justice have been well-researched within academia, especially concerning Sub-Saharan Africa (Mac Ginty, 2010:391; Richmond, 2010:23; Lekha Sriram, 2007:579; Almeida Cravo, 2008:16; Lundy & McGovern, 2008:265; Lekha Sriram, 2007:585; Villa-Vicencio, 2009:10; Voorhoeve, 2007:68). The omnipresence of liberal peace within peacebuilding strategies as well as the presence of Western approaches, concepts and systems and postcolonial interests has been widely discussed within previous academic research (Mac Ginty, 2010:391; Richmond, 2010:23; Lekha Sriram, 2007:579; Almeida Cravo, 2008:16). The importance of transitional justice within peacebuilding and the ways in which it enables the inclusion of the local population and a stronger focus on sustainable solutions has also been thoroughly researched (Lundy & McGovern, 2008:265; Lekha Sriram, 2007:585; Villa-Vicencio, 2009:10; Voorhoeve, 2007:68). However, the use of traditional forms of justice has been significantly less researched, especially from a socio-legal perspective, despite the potential it holds to successfully contribute to peacebuilding strategies and transitional justice mechanisms. While this thesis attempted to contribute to the knowledge on the use of traditional forms of justice

within Sierra Leone's transitional justice and peacebuilding mechanisms; it recognizes that many more contributions to the field can be made.

Firstly, it would be beneficial to conduct more research on the topic from non-Western perspectives. The literature review indicated that some of the main researches in the field for example include Johan Galtung, John Paul Lederach, Oliver Richmond, Roger Mac Ginty and Thomas Carothers (Mac Ginty, 2010; Richmond, 2010; Galtung, 1969; Lederach, 1997; Carothers, 2009). As the integration of traditional forms of justice in post-conflict settings mostly concerns societies located in the Global South, involving local academics in the research is necessary; especially as the present research has been overwhelmingly carried out by Western academics (Mac Ginty, 2010; Richmond, 2010; Galtung, 1969; Lederach, 1997; Carothers, 2009).

Secondly, the majority of the research on the topic has focused on examining past cases where traditional forms of justice were implemented. Rwanda has been researched the most thoroughly although several other Sub-Saharan cases are quite present in the existing research like for example Sierra Leone, Mozambique or Uganda (Corey & Joireman, 2004:82; Sarkin, 2001:161; Ingelaere, 2008:32; Igreja & Dias-Lambranca, 2008:69; Ojera Latigo, 2008:102). It would therefore be interesting to carry out research on countries that are currently experiencing conflicts or that are in the early stages of post-conflict reconstruction in order to assess how peacebuilding and transitional justice mechanisms based on traditional approaches could be implemented and whether they could be beneficial.

An interesting country for this would for example be the Democratic Republic of the Congo. The country has been plagued by various complex, violent conflicts for many years and despite the many attempts made at peacebuilding and transitional justice; success has yet to be found (Arnould, 2016:322; Tunamsifu Shirambere, 2015:47). The DRC's peacebuilding and transitional justice efforts have been characterized by numerous failures and have often been described as inconsistent

and incomplete (Arnould, 2016:322; Tunamsifu Shirambere, 2015:47). Calls for the creation of a UNSC tribunal have been ignored, the involvement of the ICC has been unsuccessful and their truth and reconciliation commission has been widely regarded as a failure (Arnould, 2016:327; Tunamsifu Shirambere, 2015:51).

Indigenous mechanisms that center around ceremonies, dialogues and rituals, like the Barza Intercommunautaire, could be implemented for resolving low-level disputes, promoting reconciliation between divided communities and for involving the local population in a variety of post-conflict activities (Tunamsifu Shirambere, 2015:54; Kasongo Kamwimbi, 2008:366). The potential of this mechanism has however often been overlooked and under-utilized within official peacebuilding strategies and transitional justice mechanisms (Tunamsifu Shirambere, 2015:54; Kasongo Kamwimbi, 2008:366). Research on how to implement the use of traditional forms of justice in the DRC's peacebuilding and transitional justice mechanisms could therefore be very interesting.

Lastly, general research on how to make traditional approaches a more permanent part of post-conflict reconstruction, peacebuilding and transitional justice, as well as perhaps looking into how it could be extended to other relevant fields, would be very relevant too.

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