

The curious case of compulsory military trainings for students impacting transitional justice

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Abstract: *Compulsory military training for students has become a prevalent practice in various countries, impacting the broader framework of transitional justice. This study briefly draws connection between the correlation of each pillar of transitional justice with memorialisation as the fifth pillar. It explores the inherent tension between such military training programmes and the principles of memorialisation within transitional justice. Specifically, it investigates how compulsory military training for students in China, Viet Nam, and the Philippines¹ influences educational curricula and the collective memory of past conflicts. Through case studies and analysis of state-driven educational policies, this research examines the ways in which military training is integrated into academic settings and its implications for transitional justice. The findings reveal that while States claim to prepare students for military service, these programmes often perpetuate biased historical narratives and contradict the goals of memorialisation by weaponising memories of conflict. These outcomes highlight a significant challenge: the clash between State-imposed military curricula and the need for a human rights-based approach to education that supports transitional justice. The broader implication of this study suggests a critical re-evaluation of educational practices in post-conflict societies to ensure they foster principles of transitional justice. The re-examination ought to focus on education as a means of memorialisation that helps adopt a balanced understanding of history while creating a safe space for various narratives to co-exist.*

Keywords: *compulsory military training; education; memorialisation; transitional justice; weaponisation of memory.*

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The author chooses to limit the case studies to these three countries in Asia, as the paper is inspired by the experiences and discussions between fellow classmates during the APMA Programme.

1. Introduction

In a post-conflict society, one of the vital elements to peacebuilding and securing a stable democracy is transitional justice. Transitional justice attempts to aid States undergoing social and political transformation by instilling human rights protection, rule of law, and democracy through judicial and non-judicial process and mechanism “to secure accountability, serve justice and achieve reconciliation” (UNSG 2004). It protects domestic and international peace and security while being essential to prevent states from regression to authoritarian regimes, repression, and relapse into conflict (Collier and Hoeffler 2004).

The United Nations (UN) recognises four pillars of transitional justice: truth, justice, reparation, and guarantee of non-recurrence. However, without the memories of the past atrocities, ensuring transitional justice along with its four pillars is impossible. Memorialisation plays an important role in acknowledging past abuses, remembering and honouring victims which in turn is expected to prevent future atrocities. Therefore, a fifth pillar, memorialisation, has been introduced which is a cross-cutting yet independent element that helps connect transitional justice processes with gross violation of international human rights and humanitarian law (UNGA 2020, para. 21). However, this paper shall be focusing on State obligations in regard to transitional justice only under international human rights instruments.

However, memorialisation is a challenging process which faces three main obstacles, namely: “memorialisation in times of conflict, memorialisation in post-conflict situations and weaponisation of memory in connection with the politicisation of social networks” (UNGA 2020, para. 21). Subscribing to the third challenge, this article argues that compulsory military training for students is in contradiction to the good practices of memorialisation as it weaponises memories of the conflict to instil a hyper-vigilant state-of-mind among the younger generations. It further discusses that it is in contravention to the guarantee of non-recurrence as States try to prepare for soldiers in reservation through this method.

2. The pillars of transitional justice

The pillars of transitional justice operate through four core processes: truth, justice, reparation, and non-recurrence. Each of these processes corresponds to State obligations under international human rights law, as enshrined in various treaties and principles. This section briefly discusses these processes and their interrelation with memorialisation and how it impacts the collective memory of society in post-conflict situations.

The first pillar, the justice process, intends to reprimand the perpetrators of mass atrocities and bring justice to the victims. This is essential to establish

individual and collective accountability for the grave crimes during conflict situations. It is important to bring closure to the victims and their families by providing adequate reparation. The justice process primarily takes place through national judicial mechanisms (ECOSOC 2005b, principle 20) but States have international obligations which they must uphold in accordance with the Universal Declaration of Human Rights, and other international human rights instruments (ICPPED, arts. 2(3), 4, 6–9, 11, 14; CAT, arts. 4–7, 12–14). Failure to do so may lead to international and internationalized criminal tribunals to exercise concurrent jurisdiction (ECOSOC 2005b, principle 20) such as the use of hybrid tribunals in Sierra Leone, East Timor, Bosnia and Herzegovina, and Cambodia.²

The reparation process, as the second pillar, helps redress the harms done to victims of atrocities. This includes two elements, the State and individual criminal responsibility. In the aftermath of the gross human rights violations, the State must take actions to redress the victims as per their obligations under international law (ICPPED, arts. 24(4)–(5); CAT, art. 14; ICERD, art. 6; CRC, art. 39). Additionally, in cases of war crimes, crimes against humanity, genocide, and aggression, individuals who committed these crimes may also be made liable to produce reparation for victims as per Article 75 of the Rome Statute. Such reparations must be adequate and proportional (ECOSOC 2005a), however there is no internationally agreed upon standard which dictates the threshold of adequacy. This is one of the major challenges in the reparation process. Other problems, to name a few, include the enforcement of reparation, who constitutes as victims in case of mass atrocities, and whether reparation can be quantified monetarily.

The third pillar is the truth process which attempts to conduct a complete investigation on the gross human rights violations in order to unearth the extent of conflict/repression, who were the culprits behind it, and the state of victims of such crimes. This right of victims has been enforced by the UN Convention on the Protection of all Persons from Enforced Disappearances (ICPPED 2006, art. 24(2)) and holds the status of customary international law under Geneva Convention Protocol I (Geneva Convention Protocol I 1977, arts. 32–34). Moreover, since violations committed during conflict are often denied or committed in secrecy by parties to the conflict including the State, it is essential to elucidate when, how and who is responsible for the atrocities (Roht-Arriaza and Mariezcurrena 2006) which would further aid a holistic memorialisation processes (Salvioli 2023, para. 17). The failure of truth process “leads to denialism and perpetuates and legitimises violence” (UNGA 2020, para. 20).

Non-recurrence is the forward-looking (Office of the High Commissioner for Human Rights) fourth pillar which is concerned with non-repetition

2 Special Court for Sierra Leone, the Crime Panels of the District Court of Dili in East Timor, the War Crimes Chamber in the State Court of Bosnia and Herzegovina, and the Extraordinary Chambers in the Courts of Cambodia.

of gross violation of human rights (ICCPR, art. 20; CAT, arts. 10–11; ICPPED, arts. 16, 23) in the future. The major step for this is institutional reformation, including constitutional reform, archiving, history education with special focus on reformation of the “security sector” (UNSG 2008) of the State. The security sectors include the police, military personnel, intelligence services, and other relevant state actors including non-state actors with security functions. It is essential to reform State organs to guarantee non-recurrence of mass atrocities.

In order to ensure the transitional justice process satisfies all four pillars, there must be careful preservation of the memories of past atrocities. It is important to establish the facts of past violations, commemorate the memories of victims, combat denialism, urge perpetrators to make public apologies, reform systems, and restore trust in the State. This also serves as a way to raise awareness which can in turn prevent future violations. The memorialisation process is thus regarded as the fifth pillar of transitional justice which aids connecting transitional justice processes with gross violation of human rights and international humanitarian law (Salvioli 2020).

3. Memorialisation in practice and its impacts

The transitional justice process is guided by the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UNGA 2005). However, in order to include the memory process, the “Updated set of principles for the protection and promotion of human rights through action to combat impunity” (ECOSOC 2005b) was adopted by the General Assembly in 2005 as a supplementary principle for transitional justice. It established the duty to preserve memory (ECOSOC 2005b, principle 3) as a general principle which suggests that the State has a duty to preserve archives and evidence of violations of human rights and humanitarian laws as this history is part of peoples’ heritage. Moreover, it emphasises that preserving these memories is protecting them from “revisionist and negationist arguments” (ECOSOC 2005b, principle 3).

The memory process is often limited to texts during the transitional phase which means that the following generation grows up without memories of conflict, repression, and violations. Barahona de Brito states that transitional justice is only a small part of the process that formulates how society remembers the violations in post-conflict society (2001). Therefore, the principles further highlight the importance of commemorations and tributes to the victims; and the inclusion of accurate information on violations in training courses on international human rights law and international humanitarian law and in educational materials used at all levels as a part of memorialisation. This must be carried out as

memory processes aids not just the reparation, justice, and truth process but also significantly impacts guarantees of non-recurrence. In fact, it is essential in case the propaganda narratives and hate speeches are still prevalent in post-conflict situations such as in the case of Yugoslavia, despite the judicial success of ICTY (UNGA 2020, para. 53).

Memorialisation can be done through various methods such as physical memorials like the Holocaust Memorial in Germany, or museums such as Apartheid Museum in South Africa or Anne Frank House in the Netherlands. They can also be artistic expressions such as movies like *Hotel Rwanda* that depict the genocide in the country or books such as *The Northern Ireland Book of the Dead* which helps the victims share their sufferings. Another important method of memorialisation is through education which openly discusses atrocities without negation, without trying to justify the gross violations of human rights.

However, the memory process is entangled with many challenges. One of such challenges is caused by the subjective nature of memorialisation. It should not deny or downplay the extent and intensity of violations, nor should it create scepticism about the occurrence of atrocities. Memory process must be conducted with a human rights-based approach which encourages debates about the causes, consequences, and attribution of responsibility for past crimes instead of creating a homogeneous narrative (UNGA 2020, para. 37). “The voices of the victims of human rights violations must play a key role in the construction of memory, thereby avoiding the distortions that the perpetrators may attempt to impose” (UNGA 2020, para. 38). This has also been reiterated by Binford, who suggests that the gaps in narratives can only be restored through testimonials and community stories (2016).

Additionally, another problem with memorialisation is that it may limit people into a victim mindset when it is not conducted with a human rights-based approach. Oftentimes, narratives circulating about the victims may marginalise them. Worse, it might even evoke need for revenge, further inciting conflicts between different groups. It is difficult to strike a balance between preserving memories and unbiased information about conflict, and prohibition against incitement of hatred. This has been further challenged by the ever-changing and developing social media platforms that use clickbait and misinformation; hateful content has more chance of becoming viral which is difficult to monitor.

This discussion illustrates that memorialisation is a process that forms collective memory of the society which should ideally reform the repressive patterns and narratives by legitimising the voices of victims through a human rights-based approach. It highlights the subjectivity of memory and narratives while acknowledging the diversity in shared struggles. Memory process is concerned with past atrocities but it has the power

to shape the future (Mitzal 2003, 13). Collective memory can generate meaning and structure future social actions.

4. Military training for students: A contravention of transitional justice

When it comes to shaping future social action, education is the key instrument to mobilise the new generation. However, education has not been free from politicisation and is often weaponised by autocratic regimes as a tool for hegemonic control (Barahona de Brito 2010). The content of school books is distorted to fit the narrative of the ruling Governments. In worst cases, the part of history where authoritative regimes committed mass atrocities forgo complete erasure from the textbooks.

In addition to this, many States require students to complete compulsory military training as a part of their academic curriculum. This training is said to discipline the students who will soon enter the society. However, as argued above, while the security sector reform is fundamental for non-recurrence, military indoctrination through university education is in contravention to the pillars of transitional justice.

One prime example of this can be seen in China where the first course university students take is a military training which can last up to one month as a part of their enrolment (Zhang 2018). Moreover, this training, which is arguably narrated as a physical fitness programme (Wang 2018), started off as a ploy to suppress the student movement that besieged the country in the 1980s. The student movement reached its peak from April–June 1989 and was subsequently forcibly suppressed by the State, deploying military force to occupy Tiananmen Square causing death of the protestors. The training was made compulsory for university students throughout the nation soon after the Tiananmen Square Massacre. At the time, the duration of such training was 12 months.

Foreign Policy reported that now the training also includes classes in relation to the Cultural Revolution which the students describe as a memorialisation effort by stating “very humiliating memories” (Sul 2019) that must be remembered to prevent recurrence. Sul argues that this is a strategic effort to show the students how China is better off now (2019). However, memorialisation must include a human rights-based approach that creates space for diverse narratives to coexist. A failure to do so demonstrates that the “Chinese democracy” is still using what once was a propaganda tool for negation and denial of gross violation of human rights. This is especially concerning since the training remains a requirement within their national academic programme that includes all university students.

In Viet Nam, the military curriculum is not just limited to university level. Vietnamese Law on National Defense and Security Education (2013) requires schools to have a military curriculum included in all levels of school from primary to higher education as well as vocational education (art. 10). Although this is meant to be “age-appropriate”, the course comprises teaching “the nation’s traditions of fighting foreign invaders” as early as grade 3 (People’s Army Newspaper 2024). Moreover, there are popular summer programmes for school students known as “military semester” that parents can voluntarily enrol the students into. These summer programmes can include students as young as eight years of age and are believed to be for the personal development and discipline of the children (People’s Army Newspaper 2022).

However, as the students’ advance to university, the curriculum is designed to strengthen students’ knowledge of national defence and security. Since 2020, the universities in Viet Nam spend 165 hours spread out through four modules of National Defense and Security Education that includes both theoretical and practical aspects (Ministry of Education and Training Viet Nam 2020). The students are taught prevention strategies against “peaceful evolution” (Ministry of Education and Training Viet Nam 2020, 2) by hostile forces against the Vietnamese revolution which is essentially a course against the ideas that are in contravention to the Party’s beliefs. Additionally, Module IV focuses on infantry combat techniques and tactics that involves 56 hours of practices of various combat skills using rifles and grenades too (Ministry of Education and Training Viet Nam 2020, 3). While it is contestable whether these trainings actually strengthen the national defence, it is important to acknowledge that this does not cater to an education centred around peace-building.

A similar provision is also prevalent in the Philippines whereby as a part of the National Service Training Programme Law, college students are mandated to choose between Reserve Officers Training Corps (ROTC), Civic Welfare Training Services, or Literacy Training Service. Unlike the other two countries, the archipelago categorised these trained students as reserve soldiers. The ROTC was only made optional in 2001 following the murder of a student in ROTC, who exposed corruption within the unit (Magsambol 2023). Since then, the students are allowed to make a choice between the three mentioned above. However, motions to make ROTC compulsory has been raised by the National Youth Commission which was further supported by the then Vice-President and Education Secretary Sara Duterte.

Given the history of the autocratic regime in the Philippines and existence of political dynasties, such proposals cannot be taken lightly especially when supported by State actors who have clear connection to the former regimes. In December 2022, the House of Representative passed the bill making ROTC compulsory for the duration of two years. The Bill is currently pending the second reading in the Senate, making the situation more ambiguous (Senate of Philippines 2023).

In all these cases, the underlying issue is that it compels students to enter into military training as a part of their curriculum. While mandatory military conscription often appears as a separate track, these countries compel students to undergo training as a part of education which is against the fundamental human rights and rights of children. These States often cite promotion of national unity and resilience as the main objective, however, in the next section this paper will discuss how this can disseminate conflict narratives while pushing society towards militarisation, both of which are against the pillars of transitional justice.

5. Analysis

International human rights instruments are focused on peacebuilding and thus the State Parties are obligated to uphold this notion in all aspects within their nation. The International Covenant on Civil and Political Rights (ICCPR) stipulates that advocacy or incitement of hostility or violation shall be prohibited by the State Parties (ICCPR, art. 20(2)). This must be maintained despite the national interest of States being placed at the highest priority by any Government. When compelling students to undergo military training, the Government maintains that it is for the best interest of the nation; whether it is to unify the students under one ideology like China does, or it is to ensure national security against both internal and external threats as argued by the Philippines and Viet Nam. No matter what the argument is, through this compulsory training, the historical legacies are being imparted to the new generation. The problem arises because such mechanisms can be wrongfully used to enforce a State-construed narrative or even hatred. This is especially prevalent in the practices of undemocratic Governments such as the cases we discussed above.

Additionally, the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that the fundamental right to education is linked with an education that promotes and strengthens “respect for human rights and fundamental freedoms” and “maintenance of peace” (ICESCR, art. 13(1)). The Convention on the Rights of the Child (CRC) reiterates that the education of children must be directed towards human rights, fundamental freedoms, principles of the UN Charter (CRC, art. 29(1)(b)), peace, and tolerance (CRC, art. 29(1)(d)). The General Comment No. 1 further explains that this right of children is even more important in context of “those living in situations of conflict or emergency” (Committee on the Rights of the Child 2001, para. 16). The peacebuilding and human rights aspect of education is often neglected when it comes to ensuring the right to education for children. The Dakar Framework for Action has tried to highlight this urging the parties to conduct educational programmes to promote peace, tolerance and mutual understanding to prevent violence and conflict (World Education Forum 2000).

PROMOTING NEGATIVE CONFLICT	ACTIVE APPROACH		PROMOTING POSITIVE CONFLICT
	Hate curriculum	Action to challenge violence and rights violations	
	Defense curriculum	Dialogue, encounter, democracy	
	Stereotypes and allegiances	Learning about political conflict	
	Violence as normal	Personal conflict resolution	
	War as routine	Tolerance	
	Omission from discussion	Inner peace	
PASSIVE APPROACH			

For a just transition to occur, education should also pay careful attention to whether younger generations remember past conflict and violations, and how they remember it. This plays a crucial role to guarantee non-recurrence. The State mechanism using forced military training within the academic curriculum is not within the realm of good practices of memorialisation and is not consistent with the international human rights instruments. To further understand this, Davis proposes a simple diagram which demonstrates how education can play an important role in transitional justice.

The above diagram (Davis 2017, 6) depicts that the best way to impart a biased curriculum is by engaging students in military training and defence curriculum (top-left quadrant). This creates a sense of constant threat among the new generation and keeps the wounds of the past painfully fresh. This can also instil fear, hatred, and/or stereotypes either consciously or unconsciously. It can push a whole generation to a state of hyper vigilance which would make post-conflict situations more precarious and prone to further conflict.

Therefore, based on Davis’ theory (2017, 6), it is clear that the inclusion of military training in the education sector as a compulsory part of academic requirement is detrimental to the transitional justice process. Although it may not directly impact the four pillars, the memory process is directly and severely distraught by this practice. Due to its cross-cutting nature with the rest of the processes, especially guarantee of non-recurrence, the very aim of transitional justice is being compromised by compelling students to complete military training as a part of the curriculum.

6. Conclusion

The progressive nature of the transitional justice process has enabled memorialisation to become an indisputable fifth pillar of the process. Memorialisation efforts aid truth seeking, reparation, justice, and non-recurrence. The memory process during the conflict has a vital role to aid

justice and reparation while in post-conflict situations it supports truth seeking and guarantee of non-recurrence. With regards to ensuring non-recurrence, newer generations must be taught about the violations, its causes, consequences, and attribution without negation or downplaying the extent of atrocities. There must be space for various narratives to co-exist without justifying the need for grave human rights and humanitarian law violations.

In all the case studies discussed above, with the history of authoritarian rule, a systematically constructed version of historical “truth” can be used by the respective Governments to “prolong their violence through official narratives presented as truth” (Lerner Febres 2003, as cited by Grindle and Goodman 2016). In light of this, including compulsory student military training can be seen as a systematic strategy by the States to impart a single, State approved narrative about the conflict. It could lead to a total erasure of the past crimes committed by State and State-actors or could subject the youth to hegemonic control by the State. In the age where more youth are being vocal about their rights and demand accountability of States, this mechanism could silence an entire generation, risk militarisation of civilian population and invite more gross violation of human rights.

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