

## **Building a future on peace and justice**

### **A congress in Nuremberg**

**"Justice and peace are not contradictory forces. Rather, properly pursued, they promote and sustain one another. The question, then, can never be whether to pursue justice and accountability, but rather when and how." The Federal Foreign Office has taken Kofi Annan's observation to heart and is hosting a conference in Nuremberg at which experts from around the world will look for ways in which to build sustainable peace.**

By Christian Much \*

"Peace" and "justice" are paramount goals. Pursuing these goals accounts for a not inconsiderable proportion of all the activities of the United Nations and has led to the creation of new institutions such as the International Criminal Court. Sustainable peace means this: peace and justice are joint guarantors of stability in post-conflict situations. Who would ever think of linking peace and justice with an "or", of playing them off the one against the other?

But that's what it may come down to in reality. When it comes to ending violent conflicts, peace and justice do sometimes appear to be competing with each other – at least in the short term. It starts in the peace negotiations: the leaders of a party to the conflict may only approve a peace agreement if they are guaranteed impunity; in turn, this demand may trigger debates within society about the relative importance of atonement and an immediate ceasefire – debates in which the helpless participants are often faced with both a practical and a moral dilemma; debates which too often are conducted with unnecessary simplicity ("either peace or justice").

Conflicts between the interests of peace and justice can also emerge following the end of a violent conflict. If the maintenance of peace is dependent on a balance of power negotiated with difficulty between former opponents, the search for justice may be seriously constrained by an unstable security situation and weak institutions. Peacekeeping can be made more difficult by the fact that important reconstruction measures such as reform of the security sector, promotion of the rule of law and other development tasks have to compete for limited funding.

These are not horror scenarios from game plans in political science exercises. These are conflicts between real life goals. Northern Uganda, Afghanistan and Colombia are examples. Handling these conflicting objectives is part of the daily round for peace negotiators and organizations like the United Nations or the International Criminal Court. It seems all the more surprising, then, that there is no generally accepted theoretical framework for this. Or maybe it's not so surprising? After all, every conflict is different, every conflict requires different, creative solutions. But the time does seem ripe for comparing experiences and summarizing particular lessons that apply across the board and can usefully be learnt from, in order to ensure that difficult decisions – of which there will be, will have to be, more in future – can be taken in a more differentiated, informed and creative manner.

This is the aim of the Nuremberg conference "Building a future on peace and justice" (25-27 June 2007). The Federal Government is taking up a political leitmotif here – Germany's attempts to come to terms with the genocide and war crimes in its history, its resulting support for bringing international war criminals to justice before the UN International Criminal Tribunals for the Former Yugoslavia and Rwanda and in other ad hoc tribunals, and finally Germany's pioneering role in the establishment of the International Criminal Court – and is taking this leitmotif further into the fields of post-conflict rehabilitation and sustainable development.

The conference is being organized by the Federal Government, represented by the Federal Foreign Office in cooperation with the Federal Ministry for Economic Cooperation and Development, along with the Governments of Finland and Jordan and a number of civil-society organizations – the International Center for Transitional Justice (ICTJ, New York), the Crisis Management Initiative (CMI, Helsinki), the Friedrich Ebert Foundation, the Centre for the Study of Violence and Reconciliation (CSV, Johannesburg), the KOFF Center for Peacebuilding (Berne), the University of Göttingen and the Working Group on Development and Peace (FriEnt, Bonn).

This is a continuation of the cooperation between the Governments of Germany, Finland and Jordan, which has proven its worth in the UN context and which transcends regions and cultures. The civil-society partners will make a major substantive contribution thanks to their specialist background, be it in the field of transitional justice, conflict management, development policy, humanitarian aid or in gender perspectives. The Nuremberg conference will thus not only be the first of its kind but also the first to bring together all the disciplines

affected by the tension between peace and justice with the aim of developing a multi-disciplinary vision.

On the first day of the conference, following an opening ceremony in Courtroom 600, the venue for the Nuremberg Trials, discussions will take place in four panels with renowned participants. It can certainly be assumed that the speakers – all of whom have many years of practical experience and responsibility – will approach the issue from a multidisciplinary viewpoint, entirely in keeping with the aim of developing a viable concept of peace in which security, justice, development and institution-building converge.

On the second day of the conference, the 300 or so participants will go into greater depth on specific, key aspects in working groups. The groundwork for these is being done by the partner organizations, which are, for example, elaborating preparatory studies. These studies should, wherever possible, refer to concrete situations and experiences and form the link between practice and theory. The organizers are spending a considerable proportion of the conference financing on this aspect of the preparation, which has already begun.

The topics to be considered by the working groups will include:

- How has the legal framework evolved, particularly with regard to amnesties, victims' rights, gender equality? How does the International Criminal Court help shape the framework conditions?
- What restrictions are there on the promotion of justice while a violent conflict is still ongoing? How can the promotion of justice influence the course of the conflict?
- How can attempts to create justice be fed into peace agreements? What influence, what leverage, do mediators have? How can agreements concerning justice be implemented and verified?
- What credibility do local and foreign players enjoy when they endeavour to create justice? What is the importance of the principle of local ownership?
- What are the typical constellations in which parties to a conflict reach agreements detrimental to the creation of justice? What effect do they have on the peace process? How do victims' groups react?
- How do the activities of the International Criminal Court relate to national (judicial or non-judicial) approaches to conflict management? What role does

the International Criminal Court play as compared to other international post-conflict players?

- How do the promotion of justice and other development-policy measures relate to each other? What role is played by allocation of funds, planning (sequencing), player coordination?
- How does the restoration of broken relations between social groups (reconciliation) fit in with endeavours to ensure security, justice and development? How important is gender equity for reconciliation?
- How to explain the fact that some countries have apparently managed to return to a situation of relative stability following conflicts with no or only rudimentary justice mechanisms?

The results of the working groups' discussions will be brought together on the third conference day. We are particularly keen that they should have an impact beyond the scope of the conference. The conference partners therefore offer to collate packages of principles and recommendations in a follow-up phase and to put them up for discussion.

Authenticity is a further key to the conference's success. That is why we have deliberately invited government or civil-society practitioners from relevant conflict or post-conflict situations, in some cases bearing their expenses where the organizers' resources allow. The Robert Bosch Foundation and the Dräger Foundation were farsighted enough to recognize the conference's importance for peace and justice policy and to provide generous sponsorship. Our thanks go also to the City of Nuremberg, particularly for its open handling of its history, which drew many practical offers of help to the organizers.

Since mid-April 2007 organizations interested in attending the conference (to be held in Nuremberg from 25 to 27 June) have been able to indicate their interest to the conference Secretariat (GTZ) via the conference website ([www.frieden-gerechtigkeit-konferenz.info](http://www.frieden-gerechtigkeit-konferenz.info) or [www.peace-justice-conference.info](http://www.peace-justice-conference.info)).

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The original German version of this article appeared in "der überblick", No. 1+2/2007, p. 120 ff.