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Comprehensive review of the whole question of peacekeeping operations in all their aspects

The rule of law at the national and international levels

Letter dated 13 June 2008 from the Permanent Representatives of Finland, Germany and Jordan to the United Nations addressed to the Secretary-General

In a joint letter dated 3 December 2007 (A/62/580), issued on 12 December 2007, we informed you of the outcome of the International Conference entitled “Building a Future on Peace and Justice”, organized by the Hashemite Kingdom of Jordan, Finland and the Federal Republic of Germany, in Nuremberg, Germany, from 25 to 27 June 2007. In that letter, we mentioned that the Conference had aimed at producing concrete recommendations on how to deal with possible tensions between peace and justice. We also announced that, to that end, the Conference organizers would draft a political document to be called the Nuremberg Declaration on Peace and Justice.

It gives us great pleasure to transmit herewith the Nuremberg Declaration on Peace and Justice (see annex). It was elaborated by a group of international experts designated by the Conference organizers and working under the auspices of Óscar Arias, President of Costa Rica. We have approved the text upon consultations with interested practitioners and civil society organizations.

The Declaration contains definitions, principles and recommendations on issues of peace, justice and impunity, and making peace and dealing with the past, as well as promoting development. Although it is not a legal document, it aspires to “guide those involved at the local, national and international levels in all phases of conflict transformation, including mediation, post-conflict peacebuilding, development, and the promotion of transitional justice and the rule of law” and thus to influence the future practice of making and building “just and lasting peace”. It is therefore our sincerest hope that this document may also be useful to the United Nations and its States Members.



We would therefore be grateful if you could circulate the present letter together with its annex as a document of the General Assembly, under agenda items 34 and 86.

(Signed) Kirsti **Lintonen**
Permanent Representative of Finland

(Signed) Thomas **Matussek**
Permanent Representative of the Federal Republic of Germany

(Signed) Mohammed F. **Al-Allaf**
Permanent Representative of the Hashemite Kingdom of Jordan

Annex to the letter dated 13 June 2008 from the Permanent Representatives of Finland, Germany and Jordan to the United Nations addressed to the Secretary-General

Nuremberg Declaration on Peace and Justice

I. Preamble

We, the Governments of Finland, Germany and the Hashemite Kingdom of Jordan, acting in our capacity as co-organizers of the International Conference “Building a Future on Peace and Justice”, held in Nuremberg, Germany, from 25 to 27 June 2007,^a

Having pledged, with the consent of Conference participants, to translate the essential findings of the Conference into a document to be called the “Nuremberg Declaration on Peace and Justice”,

Acknowledging that peace, justice, human rights and development are at the heart of the international community, that they are interlinked and mutually reinforcing and that they need to be addressed in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights^b and other standards of human rights and international humanitarian law, including, where applicable, the Rome Statute of the International Criminal Court,^c

Aware of, and encouraged by, the advances of the worldwide movement to fight impunity, and reaffirming in this context that the most serious crimes of concern to the international community as a whole must not go unpunished,

Motivated by the desire to contribute to the prevention and non-recurrence of armed conflict,

Recognizing that peace and stability are more likely to prevail when the root causes of conflict are addressed in a manner that affected societies perceive as legitimate, non-discriminatory and just, and when societies deal constructively with their past,

Stressing that the advancement of peace and justice is a long-term endeavour, requiring a comprehensive and inclusive approach that is sensitive to political, cultural and gender aspects,

^a From 25 to 27 June 2007, more than 300 policymakers and practitioners gathered in Nuremberg, Germany, to attend the International Conference “Building a Future on Peace and Justice”, organized by the Governments of Finland, Germany and Jordan in cooperation with the Crisis Management Initiative (CMI), Helsinki; the International Center for Transitional Justice (ICTJ), New York; the Friedrich-Ebert-Stiftung (FES), Berlin; the Centre for the Study of Violence and Reconciliation (CSVr), Johannesburg, South Africa; the Working Group on Development and Peace (FriEnt), Bonn, Germany; the Centre for Peacebuilding (KOFF) — swisspeace, Bern; and the Georg-August University, Goettingen, Germany. At the conclusion of the Conference, its participants agreed that the Conference organizers would elaborate a declaration. It was drafted, under the auspices of Óscar Arias, President of Costa Rica, by a group of international experts designated by the Conference organizers and was the subject of consultations, before its publication in June 2008, with practitioners and civil society organizations.

^b General Assembly resolution 217 A (III).

^c United Nations, *Treaty Series*, vol. 2187, No. 38544.

Propose that the present Declaration guide those involved at the local, national and international levels in all phases of conflict transformation, including mediation, post-conflict peacebuilding, development, and the promotion of transitional justice and the rule of law.

II. Definitions

In this Declaration,

1. **“Peace”** is understood as meaning sustainable peace.

Sustainable peace goes beyond the signing of an agreement. While the cessation of hostilities, restoration of public security and meeting basic needs are urgent and legitimate expectations of people who have been traumatized by armed conflict, sustainable peace requires a long-term approach that addresses the structural causes of conflict, and promotes sustainable development, rule of law and governance, and respect for human rights, making the recurrence of violent conflict less likely.

2. **“Justice”** is understood as meaning accountability and fairness in the protection and vindication of rights, and the prevention and redress of wrongs.

Justice must be administered by institutions and mechanisms that enjoy legitimacy, comply with the rule of law and are consistent with international human rights standards. Justice combines elements of criminal justice, truth-seeking, reparations and institutional reform as well as the fair distribution of, and access to, public goods, and equity within society at large.

Justice may be delivered by local, national and international actors.

III. Principles

1. Complementarity of peace and justice

Peace and justice, if properly pursued, promote and sustain one another. The question can never be whether to pursue justice, but rather when and how.

Addressing the security and the social and economic needs of affected populations creates a favourable environment for the pursuit of peace and justice and often corresponds to the most urgent expectations of post-conflict societies. But meeting these needs is neither a precondition nor a substitute for the pursuit of justice and other efforts to deal with the past.

2. Ending impunity

The most serious crimes of concern to the international community, notably genocide, war crimes, and crimes against humanity, must not go unpunished and their effective prosecution must be ensured. The emergence of this principle as a norm under international law has changed the parameters for the pursuit of peace.

As a minimal application of this principle, amnesties must not be granted to those bearing the greatest responsibility for genocide, crimes against humanity and serious violations of international humanitarian law.

Each State has the primary responsibility to protect its population from these crimes. This responsibility entails the prevention, investigation and prosecution of such crimes.

3. A victim-centred approach

Victims are central to peacebuilding, justice and reconciliation and should play an active role in such processes. Their concerns should enjoy a high priority.

4. Legitimacy

The legitimacy of strategies for pursuing peace and justice is crucial and closely linked to local ownership and compliance with the international normative framework. These strategies need to be informed by local circumstances and expectations.

5. Reconciliation

Rebuilding relationships between formerly antagonistic groups and strengthening the capacity of societies to transform themselves and their animosities contribute to the search for peace. Reconciliation requires the restoration of trust in equitable public institutions and respect for equal rights. It entails dialogue on conflicting versions of the past and addressing justice, accountability and the interests of victims.

IV. Recommendations

1. Making peace

- 1.1 While recognizing the imperative to stop the fighting and end the suffering, negotiations must build the foundation for both peace and justice.
- 1.2 Mediators bear a responsibility to contribute creatively to the immediate ending of violence and hostilities while promoting sustainable solutions. Their commitment to the core principles of the international legal order has to be beyond doubt. They should promote knowledge among the parties about the normative framework, including international human rights standards and humanitarian law, and available options for its implementation, so that the parties can make informed choices. They should be attentive to developmental needs, so that those needs are addressed from the outset.
- 1.3 Consultations with a broad range of actors, in particular victims, civil society, and women, need to be held as soon as possible.
- 1.4 While public security and governance demands are critical in the immediate post-conflict period, the consolidation and maintenance of peace need to be bolstered by a sense that grievances are being redressed through accountability, the establishment of legitimate State structures, and the elimination of the root causes of conflict.
- 1.5 Parties to a conflict should agree on measures that contribute to dismantling the causes of impunity and violence, such as disbanding non-State armed groups, repealing emergency laws, and vetting officials implicated in human rights abuses, and on modalities for implementing such measures.

2. Dealing with the past

- 2.1 Dealing with the past is essential to a society's present and future. While there is no standard model for dealing with the past, there are a range of proved measures that can assist a society in this endeavour. They should be both comprehensive and inclusive, engaging all relevant actors.
- 2.2 These measures should help a society to transform itself through governance, structural and institutional reforms, particularly in the fields of justice, human rights, education and the security sector, and should promote a culture of peace and non-violence.
- 2.3 Outreach and consultation are crucial elements of legitimacy and ownership of transitional justice measures. All those involved need to understand fully the potential and limitations of available options.
- 2.4 Transitional justice strategies should integrate criminal justice, truth-seeking, reparations and institutional reform. The relationship between these various elements and the socio-economic dimension of justice should be given early consideration. It should take into account the principle of complementarity between national and international mechanisms.
- 2.5 Traditional and community justice measures, when operating within the bounds of international human rights standards, can play an important role.
- 2.6 Amnesties, other than for those bearing the greatest responsibility for genocide, crimes against humanity and war crimes, may be permissible in a specific context and may even be required for the release, demobilization and reintegration of conflict-related prisoners and detainees.
- 2.7 Justice and victim-centred approaches should be given the same level of attention and resources as security sector reform, disarmament, demobilization and reintegration, and other stabilization measures.
- 2.8 Particular attention should be given to the increased representation and the full and active involvement of women in transitional justice strategies. Appropriate measures should be taken to protect the dignity and privacy of victims and witnesses, in particular when the crimes involve sexual or gender violence. Post-conflict legal orders should rectify legal and social discrimination based on gender.
- 2.9 Reparations programmes should include restitution, compensation and rehabilitation, and should entail public recognition of victims as citizens, thus contributing to the restoration of trust in civic institutions and to social solidarity.
- 2.10 An effective transitional justice strategy will contribute to reconciliation. Reconciliation may include symbolic measures such as asking for forgiveness, removing compromised symbols, and searching for common identities.

3. Promoting development

- 3.1 Conflict often results from a lack of social justice. Addressing root causes of conflict and supporting access to public goods and services, economic resources and opportunities in a non-discriminatory and equitable manner are a

critical part of peacebuilding and development programmes. Special attention should be given to those most affected by the conflict.

- 3.2 Supporting institutional reform processes, which allow for socio-economic development, participation in decision-making, the rule of law and respect for human rights are also important development goals.
 - 3.3 Transitional justice mechanisms and development efforts have specific and distinct roles, which should complement each other and be integrated into comprehensive peacebuilding strategies.
 - 3.4 National and international development actors should be sensitive in dealing with the past when designing post-conflict development strategies and take into account relevant recommendations of accountability mechanisms.
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