

**Opening speech by Federal Foreign Minister Steinmeier
at the International Conference "Building a Future on Peace and Justice" in Nuremberg**

25 June 2007

Ministers,
Excellencies,
President of the Court,
Mr Mayor,
Ladies and gentlemen,

Historical truth is hard to come by. It is sought wherever violence, war and civil war have rent societies asunder. It is an essential requirement for any rapprochement or reconciliation in society; without it, it would be unimaginable, impossible to build up a joint future in Somalia or Afghanistan, not to mention in Iraq.

I would like to thank the Bavarian court service – and Dr Franke, the President of the Court, in particular – for making it possible for me to welcome you here in this historic room.

After the dark chapter of the Nazi past, a peacebuilding milestone was set and legal history written here, in Courtroom 600 of the Nuremberg Palace of Justice.

It was here that the principle was first applied whereby those at the top levels of the State could be brought to justice, as persons, for war crimes, for crimes against humanity, for genocide and for wars of aggression.

This was the start of a development which reached its culmination five years ago when the International Criminal Court began its work. Since then, 104 States have signed up to the Rome Statute. This is an impressive show of the trust which this institution enjoys. The Criminal Court has become a pillar of hope in ensuring that crimes do not go unpunished. It has also become an influential – though not uncontroversial – international player in conflict and post-conflict situations.

In this very room in 1947 – when the Nazi reign of terror had been defeated – the prosecutor in the IG Farben Trial said these visionary words: "It will not be possible to re-establish a

healthy and peaceful European community by simply covering the dead with a shroud without any investigation."

And indeed, uncovering the truth has become a leitmotiv in conflict management: as a legally established truth in the war crimes tribunals for Yugoslavia, Rwanda and Sierra Leone; as an impartially documented truth in Guatemala and Morocco; as a repentantly well-known truth in South Africa; as the "right to truth"; as the supporting pillar for the collective national memory. Some 125 years ago, Ernest Renan said that there were two things which constituted a nation: one is the possession in common of a rich legacy of memories – including painful ones in particular – and the other is present-day consent, the desire to live together.

In the past 60 years, Germany has returned to the fold of respected nations. We are very glad that this is so because we know that it is by no means a matter of course. Perhaps it has something to do with the way in which we processed and came to terms with the barbaric acts of the Nazis. The nuances of the words "Vergangenheitsbewältigung" ("coming to terms with the past") and "Trauerarbeit" ("mourning"; "grieving") are very specific to the German language. Criminal prosecution, the documentation and remembering of historical truth, compensation for the victims and public gestures of asking forgiveness (I recall the historical picture of Willy Brandt falling to his knees in Warsaw): each of these elements from the repertoire of transitional justice was and is a part of the way we come to terms with the past. The city of Nuremberg, whose Mayor, Ulrich Maly, is here today, is symbolic as a model for dealing openly with our difficult history.

The search for truth comes to haunt societies – sooner or later. We have experienced it in Germany, we are currently experiencing it in Poland, where a debate about secret service informants during the communist regime – which, after 1989, was intentionally avoided with the support of the victims – is now surfacing 20 years after the collapse of the system. And here in Germany, it also took more than 20 years before a young generation broke the collective silence of their fathers in 1968. Therefore, there is no reason for us to be self-satisfied. For the thorough, painful coming to terms with our past started too timidly and too late. It should be mentioned here – and this brings me to the subject of this conference – that in one specific regard we had it easier than others. In Germany, post-1945 and also post-1990, it was clear that the legal proceedings, compensation, imminent staffing decisions and public debate on guilt and forgiveness would not jeopardize peace either within Germany's borders or abroad.

In many parts of the world, the reality is more complex and complicated. Many regions are populated by warlords who do not come to the negotiating table until they are threatened with criminal prosecution, and even then only to demand that prosecution be suspended – warlords who, all the same, are needed to broker peace. Many conflicts cannot be resolved against the will or without the involvement of partisan representatives of a former regime who, in the post-conflict period, still have sufficient influence to spoil things by sabotaging or even preventing the search for justice.

We all know that peace, justice and development are interdependent. That is why, under our G8 Presidency, we made cooperation on the rule of law a priority issue and discussed it at the Foreign Ministers Meeting in Potsdam on 30 May. Legal certainty, transparent procedures and effective protection of the rights of the individual are preconditions for sustainable development and for preventing and permanently resolving conflicts.

But we also know that there is no master plan showing us how to help societies damaged by conflict find their own path, to link together "peace and security", "justice", "reliable institution-building" and "the re-establishment of trust within a society", and to lay the foundations for this early on, during peace negotiations.

The aim of this conference is to identify and map out such paths. I cannot, nor do I want to, predict the outcome. Over the coming days, that will be in the hands of the politicians, the renowned scientists and the numerous representatives from areas directly affected by crises whom we have invited here to Nuremberg.

To the representatives of non-governmental organizations sitting in what used to be the dock, I would say this:

You come from various different countries: Afghanistan, Bosnia, Iraq, Sierra Leone and Columbia, to name but a few. With your presence here today, you give this historic place a new meaning. For you remind us of injustice – and this is the difference – not because you are criminals, like those who sat in your place 60 years ago, but because you serve to represent victims. You represent societies in which people have been permanently marked, indeed traumatized, by war, persecution and massive violations of human rights; societies which have, in many cases, lost faith in the protective function of the state and the international community, and, as a result, to hope even more strongly for peace, the reestablishment of legal certainty, the acknowledgment of past events and the success of a reconciliation process

between perpetrators and victims. We must not disappoint you here today. We have invited you as guests of honour in the hope that you will contribute to our discussions as eye witnesses and living testimonies. For you have experienced and endured the topic of our conference in all its aspects.

I would therefore ask you: Lend us the benefit of your expertise, help us to keep our feet on the ground, but, at the same time, motivate us never to relent in our search for intelligent models for addressing the tensions between peace and justice.

With your experience, the studies drawn up in preparation for the conference and the discussions in tomorrow's workshops, we have recourse to a wealth of knowledge never before gathered on this topic. This gives us all the more reason to make a concerted effort to ensure that as many as possible of those who could not be here in Nuremberg today also benefit from this wealth. We are just not looking for conclusions, but conclusions which make a difference. What can we learn from each other? Which lessons apply outside the scope of the event, outside the immediate context? We intend to lay down the answers to these questions in a "Nuremberg Declaration on Peace and Justice".

Of course, it will be difficult to feed our conclusions into one single approach, applicable in every case. Peace talks and political processes of reconstruction and transformation represent unique situations which cannot be compared.

Moreover, there are widely differing opinions and practices when it comes to rebuilding states.

"Security first" is an approach which acknowledges, first and foremost, the overwhelming desire of conflict victims to see an end to bloodshed and tyranny. But "security first" must not mean "security alone" – to the detriment of goals such as justice, truth and the dismantling of structures at the heart of the conflict. Indeed, in the very interests of peace and security, the door to justice must never be closed for good.

The approach of "rule of law first" rightly assumes that it is only through respect for human rights and the institutions which guarantee them that people are truly free to realize their potential. Only the observance of human rights can give rise to the trust needed for population groups formerly in conflict to live side by side and for the economy to flourish. But we all know of cases where hastily imposed liberalization has had a destabilizing effect. And the

promise of justice can turn out to be hollow, indeed counter-productive, as long as the institutions intended to guarantee justice are unable to carry out their duty, and as long as the society in question has not reached an understanding on the aims and scope of justice.

The approach "civil society first" rightly assumes that the quality and acceptance of political decisions depends on the active participation of the people. The key jurisprudential issue of how much punishment and how much forgiveness the society wants requires broad discussion and feedback from civil society. But the strengthening of civil society cannot replace the vital development of a legitimate state order. This applies particularly to states where structures have been devastated by conflicts.

Lasting peace in Darfur, Somalia, Afghanistan, Columbia and other regions can only be brought about if we take into account the complexities I have mentioned. Peace and reconciliation cannot be achieved by thinking in black and white. I see this as one of the most difficult political and moral challenges of my daily work. Simple "either/or" models do not help. Addressing the dilemma of peace and justice effectively means bringing together a variety of approaches in a thoughtful combination – in terms of substance and sequence.

We must not let ourselves be discouraged by the complexity of this issue. We know that there is no magic formula. But we suspect, and this is the good news, that our pool of options is larger than is generally thought. In this sense, our conference is the ideal opportunity to map out the course, examine options, compare experiences and learn lessons.

This conference is taking place in the belief that difficult decisions, the kind of which we will face for many years to come, can in future be taken on a more differentiated, creative and informed basis.

With this in mind, I wish you all a successful conference, and one which produces tangible results. I hope that you will enjoy your time in Nuremberg.