



When states and the international community fail in this task and conflict escalates into hostilities and human rights violations, all efforts must be concentrated on restoring peace and implementing a transitional justice scheme that fulfils the needs and expectations of those affected and is in conformity with international law.

States and societies involved in conflict have the responsibility to resolve the relevant issues of transitional justice, including those of peace and justice. It should be clear that decisions on peace and justice need the support of the local population. Choices that do not enjoy broad local support are not likely to be viable and long-standing. It is important to democratise the negotiation process in order to ease the tensions between peace and justice. It is also vital to ensure that the gender perspective is taken into account and fully implemented in accordance with United Nations Security Council Resolution 1325 on women, peace and security.

States and societies concerned must have a sufficient degree of ownership in the process. Ownership and acceptance require knowledge and understanding of the facts and causes behind the conflict and the options available. This poses great challenges for outreach within society and for international institutions engaged in the provision of justice, maintenance of peace and assistance in the reconstruction of society. The international ad hoc tribunals and the Special Court for Sierra Leone provide both success stories and lessons learned of the need to devise and implement a well-defined outreach plan – a task to which the International Criminal Court has paid particular attention.

There should also be a clear management of expectations on peace and justice. Disappointment and frustration about what was promised and not realized may slide society back into conflict and lead to a cycle of re-victimization.

Post-conflict societies must have the necessary capacity to cater for peace and justice. As conflict often devastates national institutions, there may be no means to maintain peace or render justice. Here, international assistance is of great value, whether, for example, in the form of judicial assistance, police training or general democracy building. States and international institutions must be encouraged to intensify their efforts in this respect. In the long run, capacity building is of utmost importance.

In this context I would like to draw your attention to a recent initiative in which Finland has taken part together with Germany and a number of other states and international organizations, that is, the Justice Rapid Response. In the aftermath of a conflict crucial evidence on genocide, war crimes and crimes against humanity has to be speedily uncovered and preserved before it disappears. Societies emerging from conflict are often ill equipped to identify, collect and preserve such evidence. Justice Rapid Response is intended to be an international cooperative mechanism for the supply of voluntary assistance at the request of a State or international institution, where the identification, collection and preservation of information would assist at any stage a wide range of international and transitional justice options. Justice Rapid Response is not yet operational, but the founding legal and practical arrangements will be finalised in the near future.

Supporting and implementing justice and security sector reform is a comprehensive challenge, as it requires a holistic approach to all justice and security institutions and strategies. The greatest challenge in this context is institutional reform, as it requires true change in thinking and acting. Re-establishing the rule of law presumes that the political elite and leadership fully respect the law and the independence of the judiciary. The development of the rule of law is not an easy task to fulfil in cases of deeply rooted large-scale corruption and impunity, and usually requires a long term, patient process. Moreover, sustainable results presume a transparent process and large participation by civil society.

Criminal justice is an indispensable part of any reconciliation after horrendous crimes have been committed. However, justice is more than criminal justice. Justice is a multifaceted process that can

be pursued through a number of measures. As formulated by the Secretary-General of the United Nations in his report on the rule of law and transitional justice, justice is an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well being of society at large. It should be clear that justice is a holistic concept.

If justice is conceived in a holistic and comprehensive way (as including e.g. truth-seeking, vetting programs, reparations etc), there are better chances to develop an agenda that is not rigid. A holistic perspective lays a foundation for maximizing the possibility that those responsible will eventually be tried and convicted.

It must be underlined that States bear the primary responsibility for the investigation and prosecution of human rights violations and international crimes – such as genocide, war crimes and crimes against humanity – in particular. The promotion of accountability for the most serious crimes of concern to the international community as a whole is a prime example of a task on which the European Union has embarked with great determination. The European Union is a strong supporter of the universality and integrity of the Rome Statute of the International Criminal Court, and has taken action to this effect through a common position and an action plan.

I also wish to underline the importance of the responsibility of States to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. States have the primary responsibility to protect their civilian population. If a state is unable or unwilling to protect its civilian population when threatened to become victim of a most serious international crime, the international community has the responsibility to protect the civilian population. This "Responsibility to Protect" was endorsed in the 2005 UN World Summit, in which States accepted the responsibility and committed to act in accordance with it.

States must acknowledge the special status of victims – justice implies regard for the interest of victims. Reparations to victims provide an acknowledgement by the States that justice focus not only on perpetrators but on victims, as well. It is important to let victims' voices be heard. Victims do not view peace and justice as dichotomous: they want both. Vulnerable groups that have been targeted need to be assured they will not be re-victimized and left outside the adopted transitional justice scheme.

The Truth Commissions in Latin America, Timor-Leste and Sierra Leone and other similarly valuable truth-telling projects have shown that a victims-centred approach that seeks to provide an account of the past history of society can be a valuable complementary transitional justice tool. Truth commissions will be most useful if they make recommendations in a way that ensures action by others to take their recommendations forward. Their legacy does not automatically turn into action - therefore follow-up on the recommendations is crucial.

Too often national and international transitional justice projects have not embraced gender justice in a meaningful sense. The practice of Sierra Leone's two bodies, the Special Court and the Truth and Reconciliation Commission has set an encouraging precedent. The decision of the prosecutor of the International Criminal Court last month to open an investigation in Central African Republic in which allegations of sexual crimes far outnumber alleged killings, is particularly welcome.

Vetting programmes recognise that the removal of human rights abusers from positions of trust and responsibility is an important part of establishing or restoring the integrity of state institutions. Vetting can also play a role in establishing non-criminal accountability for human rights abuse, particularly in contexts where it is impossible to prosecute all those responsible.

Peace must be sustainable. One may provide a multitude of examples in recent practice to show that peace without justice is not sustainable. For example, during the decade-long conflict in Sierra Leone, every peace agreement and ceasefire that offered amnesty in return for peace failed within months. Lasting peace was achieved only once justice became a real prospect in the form of the

Special Court for Sierra Leone.

The case of Uganda is a complex one, where the relationship between sustainable peace and justice, as well as the impact of international law are tested. In 2006 the Finnish Presidency of the European Union welcomed the signature, on 26 August 2006, of an Agreement on Cessation of Hostilities between the Government of Uganda and the Lord's Resistance Army. The Presidency also invited them to continue their joint efforts in order to reach a sustainable peace agreement, which should be in accordance with Uganda's obligations under the Rome Statute and international law in general.

As has already been pointed out, peace and justice are not contradictory forces. They are not mutually exclusive objectives, but rather mutually reinforcing imperatives. The question is not about the inclusion or exclusion of justice and accountability, but as the Secretary-General of the United Nations pointed out in 2004, about strategic planning, careful integration and sensible sequencing of activities. It is the task of the international community to assist post-conflict states in fulfilling their obligations under international law, regardless of how and when they are fulfilled. The UN Peacebuilding Commission is one of the important actors in this regard and we hope the Commission will find its place as a provider of strategic advice and prioritisation for sustainable peacebuilding

Perceptions concerning peace and justice may change with time in a post-conflict society. Transitional justice provides a set of complementary tools that post-conflict societies may utilize in their transitional justice scheme. The past is full of examples of different approaches taken in response to a wide range of fact-patterns and various expectations. A community may employ different tools at different times with respect to the same conflict: once hostilities have ceased, people may want peace but as time goes by, they may realize that truth and justice are essential.

Mr Chairman, as you indicated, tensions between peace and justice are most pronounced when people expect simple and straightforward solutions to very complex situations. The conference has shown that compromises are necessary but also that bad compromises are not viable. What is needed is a clearer normative framework that would indicate which compromises are acceptable and which are not.

The conference has been seeking a solution to the peace and justice dilemma. We did not expect to find a simple and exhaustive solution and, as you, Mr Chairman, have pointed out, have not found such a solution. Nevertheless, we have seen that there is a substantial amount of rich practical experience and that there are more options to deal with the peace and justice dilemma than most negotiators and most politicians or most communities believe.

We can encourage those involved in peace negotiations and post-conflict peace-building to be creative, to avoid "simple" solutions, to be patient and to have a long-term vision.

We can convey the emerging consensus that certain bad compromises are "off-limits", such as total and final impunity and we can promote a clearer normative framework for the peace and justice dilemma.

Mr Chairman,

You have reiterated that the conference co-organizers had the wish, from the early days of preparing the conference, to synthesize the results of the conference in an outcome document in the form of a Declaration. Like you, I am now even more convinced than before that we should do that. The Declaration would give more conceptual clarity to the relationship between peace and justice and stimulate good and creative solutions. It would increase the negotiating power of mediators, make the United Nations and the International Criminal Court look more principled and avoid that they are used as political pawns.

As pointed out, the Declaration would not be a "one size fits all" document, and would not make sweeping generalisations. Most of the points in the Declaration would be common wisdom to experts. But the innovative aspect would be the combination of some justice wisdom, some conflict resolution wisdom and some developmental wisdom all in one document. The drafters of the Declaration would be faithful to what the conference has discussed. The drafting process would be very transparent with wide consultations.

The co-organizers of the conference – Jordan, Finland, Germany, the International Center for Transitional Justice and the Crisis Management Initiative – are planning to establish a regionally balanced group of experts to produce a first draft of the Declaration. We sincerely thank H.E. Mr Oscar Arias, the President of Costa Rica, for having accepted to supervise this international team of experts. As a Peace Nobel Prize winner, as the author of the Central American Peace Plan, and as an adamant supporter of human rights, he is uniquely qualified to ensure that the Declaration will be both visionary and realistic. The issues at stake in the conference and in the Declaration should also be discussed in relevant regional and multilateral organisations, including the United Nations and the Assembly of States Parties of the Statute of the International Criminal Court. We hope that the first draft of the Declaration can, after broad consultations, be presented by the first half of 2008.

On behalf of the co-organizers let me express our gratitude for the encouragement and the positive response the conference has given for our intention to continue with our work with the aim of elaborating a first draft of the Nuremberg Declaration on Peace and Justice using fully the input of this conference.

We are thus approaching the end of the conference. We have shown that peace and justice are not contradictory forces. Equally, we have corrected mistaken beliefs according to which peace can be achieved without truth and justice.

Dealing with the peace and justice dilemma requires more than a haphazard trial-and-error approach. It requires knowledge, skills and a minimum of a normative framework.

The conference has shown that there is a wealth of knowledge on how to deal better and more creatively with peace and justice dilemmas.

It is time that we propagated at the international level an educated, principled, yet realistic approach on the relationship between peace and justice.

Thank you.