Accountability and Judicial Response: Building Mechanisms for Post-Conflict Justice

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Participants

Cochairs

Mark S. Ellis, Executive Director, Central and East European Law Initiative, American Bar Association

Paul Williams, Assistant Professor of International Law and Relations, American University; Senior Associate, Carnegie Endowment for International Peace

Rapporteur

Mary C. Theisen, Program Officer, The Stanley Foundation

Participants

Sheila Berry, Special Adviser, Office of War Crimes Issues, Office of the Secretary, US Department of State

Bavo Cool, Former Chairman, Board of Directors, Attorneys Without Borders

Craig Etcheson, Acting Director, Cambodian Genocide Program, Yale University

Johanna Mendelson Forman, Senior Adviser, Office of Transition Initiatives, Bureau for Humanitarian Response, United States Agency for International Development

Stefanie Grant, Director of Program and Policy, Lawyers Committee for Human Rights

John W. Heffernan, Executive Director, Coalition for International Justice

James R. Hooper, Director, The Balkan Institute

Nina Lahoud, Special Assistant to the Assistant Secretary-General for Planning and Support, Department of Peace-keeping Operations, United Nations

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F. M. Lorenz, Marine Corps Chair, Industrial College of the Armed Forces, National Defense University

Gay J. McDougall, Executive Director, International Human Rights Law Group

Madeline H. Morris, Professor of Law, Duke Law School; Adviser on Justice to the President of Rwanda

Karin Ryan, Assistant Director, Human Rights Program, The Carter Center

William Spencer, Adviser on War Crime Issues in the Former Yugoslavia, Bureau of Democracy, Human Rights, and Labor, US Department of State

Pamela Swain, Chief, Resources and Plans, International Criminal Investigative Training Assistance Program, US Department of Justice

Ruth Wedgwood, Senior Fellow and Director, Project on International Organizations and Law, Council on Foreign Relations

Amy Young, Senior Adviser for Rule of Law, Center for Democracy and Governance, United States Agency for International Development

Stanley Foundation Staff

Mary Gray Davidson, Senior Producer, *Common Ground*
David J. Doerge, Vice President
Carol Matthews, Conference Management Director
Susan R. Moore, Conference Management Associate
Keith Porter, Producer, *Common Ground*
Richard H. Stanley, President
Corbin L. Stone, Program Officer

Affiliations are listed for identification purposes only. Participants attended as individuals rather than as representatives of their governments or organizations.

Conference Report

Policymakers and practitioners increasingly appreciate the need to foster justice and the rule of law within nations emerging from violent conflict, both to encourage enduring peace and reconciliation and to advance democratization. Fundamental components of this effort are ensuring accountability for war crimes and human rights violations and rehabilitating (or, in some cases, creating) judicial systems to enable war-torn nations to solve future domestic conflicts peacefully and within the bounds of the law.

The international community has played a prominent role in assisting nations with post-conflict justice needs. Many international organizations, donor governments, and nongovernmental organizations (NGOs), including, but certainly not limited to, the American Bar Association's Central and East European Law Initiative, the International Human Rights Law Group, the International Bar Association, and the Netherlands Association for the Judiciary, have launched efforts to help create and sustain various accountability mechanisms and to rehabilitate collapsed judicial systems. Their assistance includes facilitating investigations of war crimes and prosecutions of perpetrators; drafting revisions to penal codes and national constitutions; training judges, attorneys, and court personnel; and organizing local bar associations. Although some of these efforts have been successful, practitioners have experienced what has been described as a "circus atmosphere" of organizations descending on countries offering assistance, each acting independently of one another. Sometimes their activities complement one another; other times they work at cross purposes. NGOs have attempted to transplant strategies and tactics that proved successful in one country only to find them less successful in others. In light of the international community's recent experiences in Rwanda, the former Yugoslavia, Haiti, Cambodia, and other nations, it is generally recognized that, through better planning, coordination, and cooperation, international assistance in support of accountability and judicial rehabilitation can be more productive and effective in meeting host countries' post-conflict justice needs.

The purpose of this conference, the third in a Stanley Foundation series addressing the role of the international community in post-conflict justice, was to bring together a unique blend of policymakers and practitioners, each with extensive experience in fostering justice and the rule of law internationally, to explore how specifically the United States and other players could better coordinate and rationalize their international activities. To that end, participants evaluated a proposal to create a "rapid-reaction" legal assistance mechanism to facilitate and coordinate international activities in post-conflict environments. Participants also considered the extent to which fostering post-conflict justice should be a goal of US foreign policy. Lastly, participants were asked to consider the desirability of adoption, by the United States and the international community, of universal guidelines for combating impunity for international crimes. The guidelines would serve as a means of ensuring that justice issues are directly addressed by the international community in its dealings with war-torn nations, from peace negotiations to post-conflict nation-building.

What Is "Post-Conflict Justice"?

As a preliminary matter, a few participants questioned the meaning of the phrase "post-conflict justice." The expression implies that conflict is in the past. But when, it was asked, is a domestic or interna-

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Rapporteur Mary Theisen.

The rapporteur prepared this report following the conference. It contains her interpretation of the proceedings and is not merely a descriptive, chronological account. Participants neither reviewed nor approved the report. Therefore, it should not be assumed that every participant subscribes to all recommendations, observations, and conclusions.

Cochairs Paul Williams and Mark Ellis.

tional conflict deemed to be over? After the bullets have stopped? After the deployment of international peacekeeping forces? After the peace negotiations have started or an accord signed? After national reconciliation? Conflict and its duration may be defined differently in different contexts. For example, tensions derived from ethnic hatred may simmer for centuries, but bald attempts to acquire a neighboring country's territory may be short-lived. Clearly, international efforts to rebuild a nation, solidify the peace, engender the rule of law, and encourage democratization presuppose a certain degree of peace and stability; otherwise such efforts would be in vain. For purposes of this conference, the phrase "post-conflict justice" is assumed to refer to the period immediately after hostilities have ceased—or, in the words of one participant, "post-bullets." The immediate threat of harm is over and there probably are international peacekeeping forces on the ground deployed by the United Nations, a coalition of governments, or by a single donor government. There may or may not be a formal peace agreement, but there is a strong likelihood that hostilities will not rekindle in the foreseeable future and that peace will prevail.

A Proposal for a Judicial Rapid-Reaction Unit

In the post-conflict period as described above, national justice systems often lie in ruins. Many judges, prosecutors, defense attorneys,

court administrators, police, and investigators either have been killed or have fled. The physical infrastructure of justice systems—court rooms and prisons, even law books—are in inadequate supply, in poor condition, or simply nonexistent. This poses many problems. In the short term, international peacekeepers, civilian police, and police monitors who are entrusted with securing and maintaining public security in post-conflict situations find themselves in the unenviable position of operating in environments that lack even the appearance of a local justice system. In the long term, the prospects for rebuilding a society that is law-abiding, at peace, and democratic are greatly reduced.

A critical element... is providing a palpable sense of justice....

Apart from reviving (or building) an effective legal system and laying the institutional foundation for the rule of law, both of which are proactive and forward-looking, there exists a second, and more fundamental, challenge to war-torn societies: the need for national reconciliation and peace. Arguably, a critical element of this more amorphous process is providing a palpable sense of justice for citizens who have been the victims of war crimes and human rights violations. Specifically, this requires no less than ensuring individual accountability for war criminals and violators of fundamental human rights via criminal prosecution or other mechanisms of accountability.

Currently, no international mechanism exists to facilitate and coordinate NGO, government, and UN efforts to bring war criminals to justice and to rehabilitate the national judicial and legal systems. To fill the void, a few participants presented a proposal to create a transitional judicial rapid-reaction unit that would quickly respond to the immediate as well as longer-term needs of judicial systems in post-conflict environments. Participants were asked to brainstorm and offer their criticisms and comments.

The rapid-reaction unit would serve two purposes: promoting accountability for violations of international humanitarian and human rights law and rehabilitating judicial systems. The unit, pro-

visionally named the "International Legal Assistance Consortium" (ILAC), would not itself implement long-term technical programs, but would coordinate and facilitate such assistance. It would act as an association of international NGOs working in close cooperation with the United Nations and governments. Membership would be limited to NGOs experienced in analyzing the state of legal systems and assisting countries with developing their national judicial systems. The unit would enter the post-conflict environment simultaneously with, or as a close follow-on to, international peacekeeping and civilian policing operations to serve as the locus of international legal assistance activities, guiding as well as coordinating the various actors.

ILAC would be capable of providing two teams of legal experts to assist the host country. Depending on the host country's needs, either one or both units could be deployed. If both units were necessary, they could be deployed simultaneously or in succession. The first, a "judicial accountability response unit" (JARU), would support efforts to bring war criminals and human rights offenders to justice, help new governments design a systematic approach to prosecutions, and, where appropriate, act as a liaison between national governments and international ad hoc or permanent tribunals. JARU would render assistance by facilitating war crimes investigations and criminal prosecutions at the national or international levels. JARU would also assume an advocacy role, mobilizing the international community's political and financial backing for investigations and prosecutions, and pressuring countries to cooperate with efforts to acquire evidence and extradite indicted persons. To sustain advocacy work once JARU departs, the unit would work closely with existing (or support the creation of) local human rights NGOs.

...the International Legal Assistance Consortium (ILAC)...would coordinate and facilitate... assistance.

The second team of experts, the "judicial development response unit" (JDRU), would assess the health of the judicial system and suggest restructuring programs. It would assess the judicial system using a predetermined model and identify

which areas of the judicial system are intact and which need to be redeployed, re-created, or redesigned. For example, JDRU might recommend revising legislative and constitutional mandates to establish the foundation for a truly independent and effective judiciary. Or, the unit might determine whether there exists a sufficient number of trained attorneys, judges, court personnel, and adequate court facilities, or whether the financial support exists to sustain a fledgling judiciary. Based on JDRU's findings, it would devise a long-term program of assistance to be provided by ILAC members. In essence, this unit, as currently envisioned, would serve as a bridge between the initial peacekeeping and civilian policing and long-term NGO assistance. Consistent with its role as a coordinator, not an organization that assumes its own long-term projects, JDRU would relinquish involvement in the judicial restructuring program once the programs were operational.

This unit...would serve as a bridge between the initial peace-keeping and civilian policing and long-term NGO assistance.

The judicial accountability and judicial development response units need not always work in any one country simultaneously. Instead, they would be deployed as necessary.

The following aspirations were expressed about the nature of ILAC, although some participants questioned whether they could be realistically attained:

- It would be firmly committed to the principles of national sovereignty.
- It would not seek to promote a particular legal system, instead embracing the strengths of different legal systems.
- It would be premised on the belief that developing judicial systems can only be undertaken with the consent of and in cooperation with national governments.
- It would be politically neutral.
- Its work would be conducted in a manner that is transparent to the international community.

Strategy for Peace features four simultaneous discussion groups and informal time for participants to mix.

The post-conflict justice group.

PHOTOS BY MARY GRAY DAVIDSON

To effectively accomplish its mission, ILAC would need to gain international stature, authority, and legitimacy. Its expertise must be internationally recognized, and it must be able to mobilize easily national and international support.

...some questioned whether a new structure was truly needed.

Is ILAC Needed?

Although most participants were supportive of ILAC's aims and principles, some questioned whether a new structure was truly needed. How would it add value without duplicating efforts already underway? In this connection, it was pointed out that a number of UN departments and specialized agencies, most notably the office of the UN High Commissioner on Human Rights, have begun providing legal and judicial assistance in post-conflict environments. Perhaps, one participant suggested, it may be better to simply work with the various actors already in the field and to sensitize them to the problems which ILAC seeks to address, i.e., lack of coordination, inefficiencies, and slow response. On the other hand, it was agreed that national governments and, to a slightly lesser extent, the United Nations, are often on a "short leash," unable or unwilling for political, economic, or other reasons to respond with the flexibility and speed of NGOs. ILAC would be relatively free of these constraints.

UN Involvement

The United Nations was seen as an appropriate international organization to undertake a cooperative role with ILAC, as there already exists a close working relationship between UN agencies and international NGOs. On an operational level, ILAC would need to explore the nature and extent of its institutional relationship with the United Nations. A few participants envisioned ILAC as a type of standby force, composed of organizations experienced in providing legal assistance internationally, that the United Nations could call upon to respond rapidly to nations' justice needs. The United Nations already has similar standby arrangements, but they are with the governments of member states, not with private entities. ILAC would be breaking new ground at the United Nations should a UN-ILAC standby arrangement be realized.

Most participants cautioned against granting the United Nations primary control of ILAC. They recommended a close relationship, but one that preserved the independence of the consortium. While close association with the United Nations would provide ILAC with needed legitimacy within the international community, ILAC should not be put in a position where it is responding to UN-defined needs or beholden to UN decision making with respect to priorities and resource allocation. These participants viewed the United Nations as slow and inflexible, saddled with a decision-making system mired in political and bureaucratic complexities. If rapid deployment is the objective, they argued, relying on the United Nations to orchestrate legal assistance would not be advisable. The UN record on human rights monitoring was illustrative of the problems confronting the organization. The responsibility for monitoring has leaped between the New York-based Department of Political Affairs and the Geneva-based UN Centre for Human Rights which, until recently, has been poorly managed. Although the current High Commissioner for Human Rights has rectified this turf battle with New York and improved the center's management, participants were still reluctant to rely upon the United Nations or its Human Rights Center to assume responsibility for post-conflict judicial assistance.

Although it was recommended that ILAC retain operational independence vis-à-vis the United Nations, it would nevertheless need to develop a proactive working relationship with the appropriate UN agencies and departments. One participant advised a series of informal consultations with UN personnel, particularly within the departments of peacekeeping and political affairs which are the lead departments for implementing post-conflict programs.

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ILAC's Mission

Some participants argued that ILAC's mission should focus more holistically on reform of entire legal systems. Judicial rehabilitation is a relatively advanced, technical undertaking. Its success may be dependent on the revival and rehabilitation of other components of a functioning legal system

such as prison administration, a professional civilian police force, legal education, etc. As such, it was suggested that the judicial rehabilitation side of ILAC's mandate be expanded to encompass more components of legal systems.

A few participants questioned whether an ILAC could be neutral.

Legitimacy

Various participants raised concerns related to the legitimacy of an operation like ILAC. While greater legitimacy would come through ILAC involvement with the United Nations, legitimacy is also tied to broader considerations. Clearly, ILAC could not function without the consent of the host nation or the cooperation of local NGOs (if they exist) and key members of the international community. Securing both would be the first order of business. But a few participants also questioned whether an ILAC could be neutral. They believed that such an organization could not help but become politicized given that the nature of its assistance—reforming legal systems and engendering the rule of law—goes to the core of how societies operate. Whereas the importance of immediate post-conflict humanitarian assistance is universally understood, different motivations could be ascribed to the international community's intervention in legal affairs. One participant was even of the opinion that, since Western-based rapid interventionist efforts are increasingly viewed with suspicion worldwide, there may be a risk that a universalized ILAC could be perceived as a variation of "Anglo-American hegemony." However, it was pointed out that ILAC is premised on the strong participation of European NGOs, whose presence should considerably assuage fears of US-Anglo "hegemonic" motives.

Structure

Participants had different opinions regarding how to best structure ILAC. Some believed ILAC would have more credibility within the international community if the judicial accountability and judicial development response units (JARU and JDRU, respectively) were separated. Advocating the arrest, extradition, and prosecution of war criminals and violators of human rights is inescapably a political undertaking; rehabilitating a legal system is more technical in nature. They argued that judicial capacity-building efforts should

not be linked to war crimes as they are inherently incompatible. Also, lobbying for the arrest and prosecution of war criminals may complicate the process of securing financial and political support for the consortium. It was suggested that ILAC, to remain viable, should devote itself only to the technical aspects of legal reconstruction.

Others disagreed, arguing that the accountability and judicial restructuring functions of ILAC could and should coexist conceptually as well as operationally, and they encouraged a more holistic understanding of what ILAC is attempting to accomplish. ILAC should preserve both functions lest the important connection between justice and the rule of law be minimized. Can an independent, legitimate, and effective justice system be created in an environment where prominent war criminals are not being prosecuted? Many commentators believe it cannot. The link between judicial rehabilitation and accountability should be preserved.

NGO Cooperation

Many participants cautioned that collective, concerted action among NGOs, and between NGOs and the United Nations, would be a "tough sell." NGOs may resist integrating aspects of their operations into coalition projects, and, similarly, the United Nations has had mixed success working effectively with NGOs. Given this history, one participant recommended that ILAC model its relationship with the United Nations similarly to the "partnership in action" arrangement which the UN High Commission for Refugees (UNHCR) shares with a broad spectrum of international humanitarian aid agencies. Through this mechanism, UNHCR and NGOs have successfully systematized their relationship.

Advocating the arrest, extradition, and prosecution of war criminals...is inescapably a political undertaking....

A number of participants emphasized the importance of working closely with (or at least refraining from interfering with) local NGOs within the host countries. The degree of national NGO capacity will vary across war-torn countries, but where NGOs do exist, their contributions have occasion-

ally been overlooked by the international community. According to one participant, the international community's involvement in Bosnia, for example, hindered the growth of nascent national NGOs. ILAC should be cognizant of this possibility.

Promoting justice in post-conflict environments should no longer be relegated to secondary status....

Fostering Justice as a Goal of US Foreign Policy

After evaluating the purposes of, and prospects for, an international legal assistance consortium, participants stepped back and considered the broader forces that have governed the international community's responses to nations' post-conflict justice needs. Both the United States and its international partners hope their post-conflict interventions will result in peace, but are uncertain of the extent to which meeting citizens' needs for justice is a precondition. In some political and military contexts, the goals of fostering peace and justice have appeared elusive, if not mutually exclusive. Participants discussed this tension and sought to define when fostering justice should become a primary goal, if not the priority, of US foreign policy. They also explored the prospects for, and desirability of, the United States' and the international community's adoption of universal guidelines against impunity for international crimes.

A "Justice-First" Foreign Policy

There was consensus that the need for justice has too often been overlooked by the international community in its dealings with war-torn nations. Promoting justice in post-conflict environments should no longer be relegated to secondary status; instead, it should be understood as a strategic and moral imperative as well as a determinant of long-term peace and stability. The international community's experience in Bosnia illustrates the need to reassess the tendency in some policymaking circles to view promoting peace and justice as mutually exclusive. During the Bosnia peace negotiations, there was a serious disconnect between peace and justice. Negotiators focused on divvying up territory, returning refugees, and redrawing the map of Bosnia—measures designed, it was hoped, to secure an immediate peace. But, apart from the parties' promises to cooperate with the

UN-established International Criminal Tribunal for the former Yugoslavia, issues related to accountability were largely neglected during the negotiations. The Bosnian Muslims had proposed that indicted war criminals be removed from the Republic Srpska's and the Muslim-Croat Federation's militaries and civilian police forces; that states obligate themselves to arrest indicted war criminals; and that automatic economic sanctions apply against any party that fails to arrest indicted war criminals within their jurisdiction within a specified period of time. These proposals were rejected by the United States and the European Union. It was understood that UN civilian police would not vet the militaries or police forces, and NATO was unwilling to assume the responsibility. The other proposals were considered impractical and not necessary for peace. During negotiations the need for domestic prosecutions of war criminals was not contemplated, nor did anyone explore the potential usefulness of a Bosnian truth commission. In the end, the final Dayton General Framework Agreement did not address these justice-related issues.

Nearly two years after the Dayton Accords were signed, as the international community finds itself still confronting these issues, policymakers debate whether the de facto trade of justice for peace may have been counterproductive. The failure of the NATO stabilization forces (SFOR) to arrest indicted Serb war criminals Ratko Mladic and Radovan Karadic is increasingly seen as an *impediment* to the peace process, not a means of ensuring Bosnian Serb willingness to abide by it. The continuing presence and far-reaching influence of these two notorious indicted war criminals in the region are undermining SFOR efforts to establish a democratic electoral process. Issues that appeared to be "deal breakers" during the negotiations (e.g., SFOR arresting the indicted or vetting the region's civilian police, military, and public office holders) are now increasingly seen as barriers that preclude full implementation of the Dayton Accords.

The failure...to arrest indicted Serb war criminals...is increasingly seen as an impediment to the peace process....

The international community's experience in Bosnia, as well as in other war-torn countries, has led policymakers to question whether fostering

justice in post-conflict environments should figure more prominently in US policy. Can the case be made that justice should come before peace? What factors should be taken into consideration when determining whether promoting justice through whichever accountability mechanisms (domestic or international prosecutions, war crimes investigations, lustration, truth commissions, etc.) should be a priority? Is justice as important as securing peace, or is it impossible to reconcile the competing demands between them?

Time constraints prevented thorough examination of these exceedingly difficult questions. However, it is significant to note that there was not consensus that justice is the *sine qua non* of peace. Instead, most participants believed the particular circumstances of war-torn nations will vary, and these variations will determine whether peace and justice are compatible and can be pursued simultaneously, or are mutually exclusive (at least in the short run). Moreover, the need for justice may be only one of many factors under consideration both by the host country and the international community. Some believed casting the issue as peace versus justice was too categorical and rejected the notion that policymakers must make a choice. In this vein, one participant stated that "justice is a fabric," and that focusing on war criminals and judicial rehabilitation overlooks the broader economic, social, and cultural forces that foster an environment that leads to war and individual victimization.

Notwithstanding these reservations, participants identified a number of criteria that the United States and the international community should take into consideration when crafting a justice-first policy. First, what is perceived as the United States' vital interest inevitably determines the degree of US involvement. Defining US interest can be particularly thorny in some contexts. For example, one participant asked rhetorically, is it always in the US interest to prevent genocide wherever it takes place? If not, how many people need to be killed before the United States will act? Second, the domestic sentiment of those nations to which the United States provides post-conflict assistance clearly should weigh heavily on whether justice should be pursued over other objectives. It may be that citizens assign greater value to meeting their housing needs, holding elections, maintaining public security, etc., than bringing war criminals

and human rights violators to justice. But, another participant cautioned, national sentiment is fluid and can be greatly influenced by communications and propaganda. The third criterion is the probable effect of pushing for justice-first policies on a coalition. Ultimately, the United States and coalition members must agree on their mission, and differences over when and how to pursue justice in a post-conflict situation must be resolved. Fourth, justice should be a priority only if the process for identifying war criminals and violators of human rights and the process for apprehending them is fair and politically neutral to the extent that is possible.

The Need for Universal Guidelines Against Impunity

Participants weighed the advantages and disadvantages of establishing universal guidelines against impunity for international crimes. Such guidelines might clarify existing legal standards and governmental obligations with respect to arresting, extraditing, and prosecuting perpetrators of war crimes, genocide, crimes against humanity, and serious human rights abuses; providing compensation and reparations to victims; conducting war crimes investigations; and removing from the military police and all public office individuals judged to be responsible for international crimes and serious violations of fundamental human rights. A few participants proposed such guiding principles as a way to inform overarching policy toward meeting war-torn nations' need for justice, including compelling peace negotiators to address accountability issues when negotiating peace agreements. As was done with regard to the ILAC proposal discussed above, participants presented their thoughts on the guidelines and described their proposed contents and purposes.

...national sentiment is fluid and can be greatly influenced by communications and propaganda.

In general, participants cautioned that if universal guidelines are intended to both compel behavior as well as to guide, a balance must be struck between upholding principles and accommodating practicalities. Blanket prohibitions of different types of impunity (e.g., broad amnesties) are fine in principle but, by including absolute requirements, guidelines drafters would risk creating a document that

is merely hortatory as opposed to one that will actually have effect in practice.

Participants shared the following general observations on how such guidelines might look in order to garner universal support and fulfill their purpose as a means to stem impunity for international crimes:

Procedural Protections. Varying levels of procedural protections would need to be identified for each type of accountability mechanism described in the guidelines. For example, international guidelines should not place the same sort or extent of constraints on truth commission operations as would be appropriate for criminal proceedings, or perhaps even administrative sanctions.

Many... believed that a blanket prohibition on... amnesty for international crimes...should not be part of any universal set of guidelines.

Amnesties. Many participants believed that a blanket prohibition on the granting of amnesty for international crimes, advocated by some commentators, should not be part of any universal set of guidelines. Although they acknowledged that granting such amnesties is inconsistent with nations' obligations to prosecute, the impracticality and prohibitive cost of prosecuting legions of suspected criminals render amnesties a necessary evil, particularly in criminal justice systems that are in dire need of financing and reconstruction. However, it was suggested that, should the guidelines prohibit amnesties, it should do so only for the most culpable perpetrators. In addition, the international community may help ameliorate the conditions giving rise to the need to grant amnesties. The guidelines on amnesties should account for realities while compelling international assistance. A few participants remained skeptical on an amnesty ban, doubting that any country would relinquish part of its sovereignty by forswearing their use. They also questioned whether the international community had the prerogative to pass judgment or to attempt to dictate how a society is to heal.

Victim Redress. Participants agreed that victims of war crimes and human rights violations suffered at the hands of previous regimes should be compensated. For various reasons, however, a few participants believed that any obligation to compensation should not be stated in absolute terms. Instead, it was suggested that states be called upon to provide victim redress "to the extent of their means" such that there is a progressive realization of the right to redress as countries' resources grow. This qualification may be necessary because regimes that inherit the remnants of devastated states often lack minimal financial resources and are hard pressed to compensate victims for abuses of the former government. Also, an absolute mandate of victim redress, particularly monetary compensation, may have unintended consequences: registering losses could create expectations among the population that cannot be fulfilled, and foreign aid donors would eventually be solicited to fund such compensation, and they could balk at that. Ideally, it was noted, the citizens themselves, not the international community, would demand compensation from their own governments.

Lustration. It was proposed that the guidelines provide for a general obligation to remove from state institutions, such as the civil service or the military, individuals who have been determined to be responsible for international crimes or serious violations of fundamental human rights. Some participants welcomed this proposal but cautioned that the procedure for vetting state institutions not hinder national truth commissions or criminal prosecution. (For example, truth commission proceedings could become inhibited if a known outcome was the removal from public office of people being investigated.) One participant felt that conviction alone on war crimes or fundamental human rights violations should be sufficient to delegitimize war criminals holding public office and render them much less influential—or even prompt the end of their careers. Also, there is a practical need for civilian continuity. Therefore, instead of dictating an outcome, drafters should recognize that there exist competing needs

...victims of war crimes and human rights violations suffered at the hands of previous regimes should be compensated.

with respect to lustration, and that states must weigh these needs before deciding how to proceed. The international community could encourage vetting of public offices via other means, such as conditioning foreign aid on adequate lustration policies.

Conclusion

There are many costs associated with compromising justice for peace. Failure to hold war criminals and human rights offenders fully accountable for their deeds may be politically (and militarily) expedient in the immediate post-conflict environment, but in the long term such failures significantly undermine the chances for genuine national reconciliation and peace. Recent experience has shown that a society's failure or inability to assign accountability for past wrongs breeds cynicism and prevents healing. Peace and reconciliation are also contingent on inculcating democratic processes and successfully creating credible and legitimate governmental institutions. Without the rule of law, these monumental tasks will be similarly precluded.

The United States and the international community can play a positive role in helping nations recover from violent conflict, both to sort competing claims for peace and justice and to establish the foundation for the rule of law. Organizations currently providing such assistance have done valuable work toward these ends, but need to better coordinate their activities to ensure they collectively meet the countries' post-conflict justice needs. ILAC could very well be the right vehicle. On a more fundamental level, policymakers within the United States and the international community need to understand the full potential for stability that legal and judicial rehabilitation offer. There is a concrete strategic value to promoting justice and the rule of law, both in post-conflict environments but also, and perhaps more importantly, as a tool of conflict prevention. Criminal investigations and prosecutions are not so much about digging up the past as they are about building a future society that is governed by the rule of law.

About the Conference

Strategy for Peace, the Stanley Foundation's US foreign policy conference, annually assembles a panel of experts from the public and private sectors to assess specific foreign policy issues and to recommend future direction.

At the October 1997 conference, eighty-five foreign policy professionals met at Airlie Center to recommend elements of a strategy for peace in the following areas:

1. Accountability and Judicial Response: Building Mechanisms for Post-Conflict Justice
2. Building Multilateral Cooperation in the Americas: A New Direction for US Policy
3. The Pros and Cons of NATO Expansion: Defining US Goals and Options
4. US Sanctions Policy: Balancing Principles and Interests

The work of the conference was carried out in four concurrent round-table discussions. These sessions were informal and off the record. The rapporteurs tried to convey the conclusions of the discussions and the areas of consensus and disagreement. This is the report of one discussion group.

The Stanley Foundation

The Stanley Foundation is a private operating foundation that conducts varied programs and activities designed to provoke thought and encourage dialogue on world affairs and directed toward achieving a secure peace with freedom and justice.

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- Round-table, off-the-record conferences and meetings for policymakers and other experts.
- Congressional programs.
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- Production of *Common Ground*, a weekly public radio program on world affairs.
- Publication of the monthly magazine *World Press Review*.
- Publication of conference reports.

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Related Publications

Post-Conflict Justice: The Role of the International Community.
Report of a Vantage Conference. 1997, 28pp.

Human Rights and US Foreign Policy: Who Controls the Agenda?
Report of the Thirty-fifth Strategy for Peace Conference. 1994, 30pp.

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The Stanley Foundation
216 Sycamore Street, Suite 500
Muscatine, IA 52761-3831 USA
Telephone: (319) 264-1500
Fax: (319) 264-0864
E-mail: info@stanleyfdn.org
Web site: http://www.stanleyfdn.org