

# Marrying Peace and Justice in the Aftermath of Conflict



Address by  
**Rama Mani**

at the  
ICES Auditorium, Colombo  
*February 17, 2003*

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She worked with the Commission on Global Governance in Geneva as Senior External Relations Officer from 1992 to 1995, and managed the global launch of their report, *Our Global Neighbourhood* (Oxford: OUP, 1995). As a Fellow of the Watson Foundation in 1989-90, she investigated immigration and political movements in Algeria and France, in collaboration with non-profit and government agencies, and scholars.

In an honorary capacity, Dr. Mani serves on the Advisory Group of the Global Facilitation Network for Security Sector Reform, UK, the Editorial Board of the acclaimed journal *Global Governance*. She has also served on the Board of Directors for the Academic Council on the United Nations System (1999-2001), and as a Steering Committee Member for the World Civil Society Conference (Montreal, December 1999). An Indian national, Dr. Mani holds a Ph.D. in Political Science from the University of Cambridge, U.K., and an M.A. in International Affairs from Johns Hopkins University, U.S.A.

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*The monograph highlights succinctly the main arguments in the book 'Beyond Retribution: Seeking Justice in the Shadows of War' (Cambridge, Polity and Blackwell Publishers, 2002), by Rama Mani. In the interest of brevity, footnotes and references are reduced to the minimum, and interested readers are referred to the book for details of issues and illustrative cases mentioned here.*

A major challenge Sri Lanka faces today is that of remarrying peace with justice after the twenty years of conflict that tore them apart. As Sri Lanka faces this task policy makers face the options, obstacles and dilemmas involved in this tenuous task, this monograph brings to their attention the experiences and lessons of national and international peacebuilders in a range of other developing countries that have recently emerged from conflict. In doing so, it seeks to throw light on the complex nexus between peace and justice, and on the policy ramifications, available options and likely dilemmas that policy makers, academics and civil society might have to grapple with in the unique peacemaking and peacebuilding process unfolding in Sri Lanka today.

As expressed by Guatemalan Nobel Peace Laureate, Rigoberta Menchu: 'Peace without justice is only a symbolic peace'.<sup>1</sup> Restoring justice after conflict is as much a political imperative as a social necessity. Political leaders will not make concessions, negotiate peace or respect agreements unless their major political grievances have been addressed. The public will not trust the governing authorities

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<sup>1</sup> Cited in Phil Gunson, 'Guatemala's "Peace without Justice"', *Guardian*, 28 December 1996.

and invest in peace unless the injustices they suffered during and prior to conflict are redressed. Yet, remarrying peace with justice after conflict has torn them apart is a complex and contentious task that is rarely undertaken comprehensively, producing inadequate results and often setting back the peace process itself.

The necessary starting point in seeking to restore justice after conflict is an understanding of the kinds of injustice suffered by ordinary people during conflict. It then becomes clear that injustice is not just a *consequence* of conflict, but is also a *symptom* and *cause* of conflict. Consequently, the three dimensions of justice corresponding to the three realms of injustice embedded in the causes, symptoms and consequences of conflict must be addressed in order to build a just peace.

The most familiar and oft-addressed dimension is rectificatory justice, that is rectifying the injustices that are direct *consequences* of conflict, in terms of abuses committed against civilian non-combatants – gross human rights abuses, war crimes and crimes against humanity. Since 1945, there is a discernible trend in warfare towards increased targetting of civilians who now constitute over 80 percent of war's victims, in flagrant violation of the protection afforded to non-combatants under international humanitarian law. The need to redress these violations of war, referred to more commonly as 'transitional justice' has been recognised.<sup>2</sup> South Africa's Truth and Reconciliation Commission, the international *ad hoc tribunals* for former Yugoslavia and Rwanda, and the more recent establishment of the International Criminal Court all indicate the international importance accorded to this dimension. However, rhetoric exceeds reality as exemplified by the half-hearted financing of such measures as the tribunal for Sierra Leone so strongly urged by the international community but set up only after lengthy delays. More worryingly, USA's blatant attempts

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<sup>2</sup> Of the vast new literature on transitional justice, a still-valid seminal compilation is found in Neil Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, Vols. 1, 2, 3 (Washington, D.C.: US Institute of Peace (USIP), 1995).

to buy impunity for its own citizens from the International Criminal Court run counter to global cooperation to establish accountability for war crimes.

The second dimension is legal justice or the rule of law, stemming from legal injustice which is a common *symptom* that often predates conflict. This refers to the breakdown of the rule of law, the political manipulation of the legal system, the corruption of law makers, law enforcers and judges, and the consequent lack of legal redress for injustices and grievances experienced by the population. These symptoms of the breakdown of the rule of law and legal justice could serve as warning signs that legal means to redress grievances are unavailable or denied to aggrieved groups or populations, and that extra-legal means might be resorted to in frustration. However, such signs are often ignored, and legal injustice is exacerbated. The already weakened or manipulated institutions and principles of the rule of law tend to be further decimated during conflict, and prove extremely challenging to restore in the aftermath.

The third and most neglected dimension is distributive justice, stemming from structural and systemic injustices and distributive inequalities that are frequently underlying *causes* of conflict. The many causal theories for internal conflict posited since the end of the cold war have emphasised ethnic and religious factors, or, more recently, poverty and illiteracy. However, studies show that it is group inequalities within a particular society that creates the fertile ground for grievances that can be manipulated by leaders to foment war, on the ostensible basis of group identity such as ethnic, religious, caste or other factors.<sup>3</sup> Thus, it is both the experiences and the perceptions of exclusion and unjustifiable inequality of certain groups rather than poverty or ethnicity per se that underlies conflict.

Likewise, the recent theory that 'greed' rather than 'grievance' causes wars is also inadequate, as leaders driven by greed without

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<sup>3</sup> The evidence on group inequalities is most clearly articulated in the works of Oxford economist Frances Stewart, see e.g. Frances Stewart, 'The Root Causes of Conflict: Some Conclusions', Queen Elizabeth House Working Paper 16, Oxford University, June 1998.

publicly felt grievances to exploit could only incite criminal violence but not societal conflict.<sup>4</sup> While the war economies that feed the avarice of warlords must be addressed urgently in their own right, as they prolong conflict and obfuscate both peacemaking and peacebuilding, they must not detract attention from the underlying grievances that cause wars.

It is erroneously presumed that it is always the poor and marginalised who instigate violence. However, it is as often the political or economic elite who use violence to resist redistributive justice and maintain the status quo. A case in point is the violent military coup d'état supported by the political and economic elite in Haiti within months of an electoral victory by the 'priest of the poor' Aristide, to elude any attempts at wealth redistribution in this impoverished country.<sup>5</sup>

### Widening the Lens of 'Transitional Justice'

The danger today is that the task of restoring justice after conflict, or what is called 'transitional justice' has largely been reduced to a preoccupation with the injustices related to the consequences of conflict, to the neglect of the injustices implicit in the causes and symptoms of conflict. Attending to the horrific legacy of war crimes and crimes against humanity is of paramount importance for war to peace transitions. However, addressing rectificatory justice while paying only nominal attention to the parallel need to restore legal justice and distributive justice means that the task remains incomplete and inadequate.

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<sup>4</sup> Various perspectives on this new theory are provided in Mats Berdal and David Malone (eds.) *Greed And Grievance: Economic Agendas in Civil Wars* (Boulder: Lynne Rienner, 2000).

<sup>5</sup> Unfortunately thereafter, this much-lauded socialist priest turned corrupt and power-hungry. For a recent analysis see Peter Dailey, 'Betrayed by Aristide', *New York Review of Books*, vol L, No 4, March 13 2003.

Rwanda is a case in point, where the ineffable horrors of genocide led to an understandable preoccupation with rectificatory justice, and produced an international *ad hoc* tribunal, national trials and the *gacaca* traditional justice system. Early efforts to redress the symptoms of legal injustice and rebuild the devastated rule of law have faltered as continued conflict and insecurity have yielded increasingly heavy-handed measures to restore order, often violating the rule of law. More worryingly, the seething economic and political inequalities between the Hutu majority and Tutsi minority that caused the conflict have not only remained largely unaddressed but have been exacerbated by the instalment of an increasingly isolated Tutsi-led government post-genocide. The longer term consequences of such an approach are to be feared.

### Marrying Peace with Justice: An Essential task....

The central contention here, therefore, is that in order to remarry peace with justice, and lay the foundation for a just and lasting peace, it is necessary to address justice in a holistic and integrated manner, encompassing all three dimensions that correspond to the injustices experienced by war-affected populations prior to, during and even after conflict.

This is vital because the three dimensions of justice, albeit distinct, are inter-dependent and mutually reinforcing. The process of rectifying past wrongs through the criminal justice system is vitally dependent on functioning rule of law institutions, which consist primarily of the courts, the police and prisons. To arrest suspected perpetrators, a competent police force is required; to incarcerate them securely, an adequate prison system is needed; and to try them, an independent and impartial judiciary with trained lawyers and judges is essential. Abuses cannot be rectified and impunity cannot be countered without restoring both the institutions and ethos or underlying principles of the rule of law. In El Salvador, for example, the international Truth Commission instituted in the peace agreement

identified the worst abusers of human rights but recommended that they should not be tried in the country, because the deemed El Salvador's legal system to be too corrupt, partial and politicised to provide a fair trial at that time. In the Commissioners' judgment, unfair trials that violated due process were worse than no trials at all for the perpetrators.

Likewise, the rule of law is dependent on distributive justice in order for the public to perceive law makers and law enforcers as guarantors and protectors of justice rather than enforcers of the status quo that privileges the elite. In post-apartheid South Africa, a first step in rehabilitating the illegitimate apartheid legal justice system was to revoke apartheid laws and decrees. However, continued societal and systemic inequalities that marginalise the still-impoorished majority black population have led to spiralling violent crime, and have left unchanged the public perception of the rule of law as a heavy-handed tool to impose order rather than justice.

#### ....But a Perilous One

Admittedly, it is easier said than done to address all three dimensions of justice in the tense transition from war to peace. Although peace and justice seem inseparable natural allies in peacetime, their relationship is fraught in the aftermath of conflict. Material and political obstacles are frequently encountered in seeking to restore both peace and justice simultaneously.

Materially, a significant constraint and limit to actions to restore justice stems from the poverty and material limitations of most post-conflict countries. The long-term and intangible task of redressing the deep systemic, social, legal and political injustices suffered by ordinary people before and during conflict must compete with the multitudinous more immediate and concrete tasks of post-conflict reconstruction. Justice gets short shrift when the attention of donors and national leaders is focused on short-term physical recovery and rehabilitation and visible 'quick-impact projects'.

Politically, addressing issues of justice after internal conflict is, inevitably, contentious and riddled with dilemmas. The end of hostilities and the onset of peace often impose requirements that contradict the requirements of justice; the demands of justice sometimes contradict the conditions necessary to maintain a cessation of hostilities. For example, legal justice may require dismantling a corrupt judiciary; rectificatory justice might require prosecuting popular national leaders; distributive justice may necessitate redistributing land more equitably. Such 'just' changes may seem to threaten short-term stability - or what is called 'negative peace' - by provoking obdurate and even violent resistance from powerful groups and institutions, such as the military, the political leadership or the economic elite. Examples are the violent opposition of Afrikaner extremists to social redistribution in South Africa, or the obdurate resistance of the leadership of the all-powerful El Salvadoran military and corrupt Supreme Court to initial attempts to restore the rule of law and curb their authority after the peace agreement.

Nevertheless, ignoring justice claims may cause discontent and frustration among disenfranchised groups, and undermine longer term sustainable peace - or what is called 'positive peace'. Social and political unrest due to frustration and economic marginalisation has emerged in both Haiti and Mozambique, where political and economic policies after transition are felt to have benefited only the elite and bypassed the poor. Overlooking justice claims may endanger short term negative peace as well, if unmet grievances degenerate into renewed violence, as occurred in Sierra Leone and Angola barely after the ink had dried on their peace agreements.<sup>6</sup>

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<sup>6</sup> Duane Bratt contradicts traditional arguments of pursuing justice *with* peace in 'Peace over Justice: Developing a Framework for UN Peacekeeping Operations in Internal Conflicts', *Global Governance*, 5, 1 (1999), 63-82.



## Balancing 'Positive' and 'Negative' Peace to secure sustainable peacebuilding

In *An Agenda for Peace*, former United Nations Secretary-General, Boutros Boutros-Ghali, described post-conflict peacebuilding as, 'actions to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict'.<sup>7</sup> As this definition suggests, there are two distinct but related and complementary objectives of peacebuilding. Peace research distinguishes between negative peace, which represents simply an absence of direct violence, for example, a cessation of hostilities; and positive peace, which represents the removal of structural and cultural violence. Accordingly, the 'negative' task of peacebuilding, that of 'preventing a relapse into overt violence', can be distinguished from and the 'positive' tasks of peacebuilding which include 'aiding national recovery and expediting the eventual removal of the underlying causes of internal war'.<sup>8</sup>

Both aspects of peacebuilding are essential and fundamentally inter-linked, and one without the other is unsustainable. This is exactly what Sri Lanka is discovering in the course of its own peace process today. Clearly, efforts to secure, maintain and extend ceasefires must be paralleled by measures that rebuild mutual trust and consolidate nascent peacebuilding, such as economic reconstruction, disarmament, demobilisation, reintegration and reconciliation.

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<sup>7</sup> UN, 'Agenda for Peace: Preventive diplomacy, peacemaking and peace-keeping', Report of the Secretary-General (A/47/277-S/24111, 17 June 1992), para.21. NB: some scholars like Canadian Professor Andy Knight contend that peacebuilding was always the UN's implicit aim, and is tacitly expressed in the UN Charter (email correspondence, 13.05.1999).

<sup>8</sup> Hugh Miall, Ramsbotham and Tom Woodhouse, 'Post-Settlement Peacebuilding' in *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 1999), pp. 185-215 (p.188).

The second central contention made here is that when seeking to remarry justice with peace it is essential to respect this delicate balance between negative and positive peace in order to pursue in unison the twinned objectives of peacebuilding. Even if efforts to restore justice seem to threaten negative peace in the short term, for example by provoking the military or economic elite, they must be undertaken, albeit with caution, to consolidate positive peace and avert a relapse into hostilities further down the road. Naturally, in undertaking long-term measures to restore justice and consolidate peace, it is essential to be mindful of the potential short-term risks or set-backs, and ensure that negative peace is not endangered.

The rest of this monograph shares the synthesised lessons and conclusions of recent experiences in restoring justice in these three dimensions in developing countries emerging from conflict. It looks particularly at the role of international actors, and their interaction with national stakeholders.

(As space constraints do not allow elaboration of the findings and analysis on which these conclusions are based, readers are referred to the book, *Beyond Retribution: Seeking Justice in the Shadows of War*, for full discussion and details.)

## Restoring the Three Dimensions of Justice: Lessons from Post-Conflict Countries

### 1. Restoring Legal Justice or the Rule of Law in Post-Conflict Societies: Might or Right?

Since the experience in Cambodia, the notion that the rule of law is a pre-requisite for peace and stability has led to a mushrooming of programmes, primarily led by international actors, to rebuild the institutions of the rule of law – namely the judiciary, police and prisons. A close analysis of rule of law reform efforts over the last decade lead to my conclusion that in the urgent search for security after the



uncertainty and chaos of conflict, there appears to be a tendency for peacebuilders to treat the rule of law as a mechanism for establishing order rather than as a vehicle to restore justice within society. There is a danger, therefore, that current efforts by national and international agencies in rule of law reform may contribute only to short-term negative peace, to the detriment of just and sustainable positive peace.<sup>9</sup>

International rule of law programmes suffer from three fundamental and inter-linked shortcomings. First, their implementors regard their task as a mainly technical one and ignore its political ramifications. A wry comment by a senior UN official on the situation in Rwanda captures the problem: “‘Restoring justice’ became a question of how to give computers to the Justice Ministry”.<sup>10</sup>

Second, is a tendency for these programmes to be ‘one size fits all’, that is standard and uniform. International rule of law programmes have tried to implement basically the same programmes with little adaptation to entirely different contexts, ranging for example from the illegitimate but still largely functional legal system in Namibia, the deeply corrupt, politically manipulated and dysfunctional but still extant judiciary in El Salvador, and the completely devastated and non-functional system in countries like Rwanda.

Third, these programmes embody what I call ‘programmatic minimalism’, that is, they have a minimalist objective rather than a long-term vision, and consequently support short-term and limited programmes rather than sustainable processes.

The majority of international programmes focus on the institutions and mechanics, the form and structure, of the rule of law, while evading the substantive content – *the ethos* – of that rule of law. They focus on resurrecting the standardised and replicable pillars of the rule of law – the judiciary, police and prisons – rather than addressing the content of the laws upheld by them. They focus on law

*enforcement* – as illustrated by the preoccupation with police reform – rather than the *generation* of the rule of law and of public confidence in it. They shy away from knowledge and integration of cultural and historical specificities and needs of individual societies, and engage local populations only minimally in their programmes. While focusing considerable effort on rehabilitating legal institutions, international actors do not appear attentive to the countervailing necessity of ensuring that the rule of law is firmly anchored in the society and enjoys political commitment and public trust. Perhaps most important, the programmes and their sponsors are largely silent as to whether the rule of law is designed to provide citizens with their right to justice and to safeguard their dignity, or merely to provide order in society.

High crime and insecurity are frequently unavoidable in conflict’s aftermath due to many factors: a surplus of cheap weapons; vestiges of underground war economies; high unemployment; disgruntled, and often armed, ex-combatants. If the rule of law is treated primarily as a mechanism to restore order and security and to maintain and enforce negative peace, several consequences might ensue: the police may backslide towards the use of excessive force; courts may impose unduly harsh and unjust sentences; and prisons may violate prisoners’ rights. In the interest of security, and in the name of the law, the rule of law may be violated. If courts, police and prisons are seen to constitute the security sector, it risks making the law subservient to the needs of security and order rather than justice. Yet, the urge to restore security and entrench order appears today to be a motivating force behind donors’ rule of law reform efforts, as is manifested in their preoccupation with police reform and law enforcement mechanisms.

Based on the experiences of countries so far, I strongly recommend that programmatic minimalism be rejected in favour of what I call ‘incremental maximalism’. Incremental maximalism implies a framework which embeds the rule of law in justice, human rights and values, and concerns itself with both the form and substance of law, and with both the institutions and ethos or principles of the rule of law. This maximalist vision of the rule of law could be realised

<sup>9</sup> See also ‘The Rule of Law or the Rule of Might? Restoring Legal Justice in Post-Conflict Societies’, in Michael Pugh (ed.), *Regeneration of War-Torn Societies*, (Basingstoke: Macmillan, 2000).

<sup>10</sup> Interview with UN official, New York, October 1998.

through an incremental programme that focuses on the longer-term process, and sets realistic, long-term targets for the gradual achievement of its more ambitious goals. Furthermore, incremental maximalism would engage throughout the process the full participation and involvement of local populations. It would integrate local legal traditions, after full and careful consideration to their acceptability to local populations and adherence to international principles.

## 2. Rectificatory Justice in Post-conflict societies - Pursuing Perpetrators or Vindicating Victims?

The horrific war crimes and genocide perpetrated in Rwanda and former-Yugoslavia and the innovative experiment with truth and reconciliation in South Africa riveted international attention on the question of dealing with 'crimes of the past' in post-conflict transitions. However, it could be questioned whether this flood of concern has clarified or, rather, obfuscated the exigencies of rectificatory justice in post-conflict societies. Observation of recent cases suggests that human rights scholars, activists and practitioners have been marked by past experiences of democratic transitions in other parts of the world, and as yet possess an incomplete understanding of the distinctly different circumstances of less-developed post-conflict countries, and the specific needs, constraints and dilemmas they face. They have a tendency to simplify the complex claims of rectificatory justice in low-income post-conflict societies, and to search for a definitive solution that could be applied, with minor adaptation, across disparate cases. Recently, 'truth commissions' *à la* South Africa and trials or tribunals *à la* Rwanda have become the two most popularly advocated measures. Both have their relative merits when adapted to the particularities of the context, and when instituted with appropriate and sufficient mandates, material and human resources and political support – which is regrettably rarely the case in low-income post-conflict countries. A poorly resourced truth commission whose recommendations are ignored by the political leadership, as in Haiti can be worse than no truth commission at all.

Based on close examination of numerous post-conflict countries that have confronted the crimes of their past, I conclude that the issues of rectificatory justice in post-conflict developing countries are complex and contentious, and elude the simple, universal solutions that are often urged upon them. I urge peacebuilders to avoid facile external solutions to the unique complexities of each situation, and to accept the three following lessons as starting points in deliberating on an appropriate process of dealing with past violations.

First, a single officially-sponsored mechanism cannot resolve rectificatory justice claims definitively, but rather, a combination of measures that includes but goes beyond the criminal justice system is required. This implies that even if an official truth commission is established or national or international trials are instituted, other parallel, informal, traditional and official measures may be required for a comprehensive response. It also means being innovative in adapting existing legal or official mechanisms to suit the particular needs and conditions of the country and conflict in question.

Second, the preferred mechanisms in use today – trials and truth commissions – target individual perpetrators and victims, but sideline the wider community of survivors affected by injustice. Identifying individual perpetrators and victims is required by the law and has important symbolic value. However, rectificatory justice requires a broader and more comprehensive response that will engage all survivors within a given society if it is to lead to a process of inclusive reconciliation. This is all the more necessary in today's conflicts where the line between perpetrators and victims is blurred, as all sections of society have been victimised by war at some time, and many have benefitted from or participated indirectly in the systemic injustices of war. Third, rectificatory justice, divorced from its organic and functional interdependence with legal justice on the one hand and distributive justice on the other, may prove incomplete and precarious. This was corroborated in South Africa where at the end of the Truth and Reconciliation Commission's work, several commissioners noted that the real success of their endeavour would be determined not by how many people were granted amnesty or put on trial, but rather by

whether ordinary people had a greater degree of social justice and welfare, and faced less racial discrimination in the long run.<sup>11</sup>

Instead of current approaches, I propose an alternative approach called 'reparative justice' based on both the legal and psychological conceptions of reparation. Reparative justice aims to be *sensitive* to the nature of offences and their impact on victims, offenders and societies, and *flexible* in devising a suitable combination of responses to them. Importantly, reparative justice does not exclude punishment or prosecution. Indeed, formal legal redress and punishment are likely to remain important parts of the response to past abuses in several post-conflict cases, not least due to the stipulations of international law, and the symbolic and political goal of combating impunity. Nevertheless, how a society adapts its criminal laws to conduct fair trials, and how it decides to determine appropriate punishment may vary according to its *sui generis* needs, possibilities and constraints. The means chosen may not always be individual prosecution and incarceration; for example, sometimes collective trials may replace the former and community work may replace the latter, as Rwanda is experimenting in their national and traditional *gacaca* trials. Reparative justice offers the possibility of combining available measures or innovating new ones to address the varied requirements of each post-conflict situation. In fact, reparative justice requires and demands such combinations. Thus, reparative justice is proposed as a more appropriate response to dealing with past abuses in developing countries emerging from conflict, as it encompasses the needs of all 'survivors' of conflict – victims, offenders, and society at large – and it is conscious of and strives to balance the sometimes contradictory imperatives of positive and negative peace within low-resource settings.

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<sup>11</sup> Discussions with TRC commissioners in June and November 1999. This is further corroborated by TRC vice chairman Alex Boraine currently President of the International Centre for Transitional Justice in New York.

### 3. Addressing Distributive Justice in Post-Conflict Societies: Effects or Causes?

Faced by the material and economic devastation wreaked by conflict, post-conflict governments and international donors feel an understandable urgency to address these material effects of war. Consequently, a plethora of international agencies have dashed to the aid of post-conflict governments, focusing on 'kick-starting' and stabilizing the economy, stimulating economic growth, rehabilitating infrastructure, and other visible 'quick-impact projects'. Despite the good intentions and considerable impact of such reconstruction assistance, the preoccupation of governments and donors with the material *effects* of conflict tends to sideline the underlying *causes* of conflict.

Understandably, the pressing concern after conflict is simply keeping people alive by providing basic physical security, food, water and shelter. This is all the more so when conflict is accompanied by drought or famine as is so often the case, as in Mozambique, Sudan, Ethiopia or Somalia. This provides the rationale for the World Bank and IMF to adopt what they see as the most efficient and inexpensive way to save and sustain lives: through rapid economic growth, privatisation, liberalisation, economic stabilisation, budgetary constraint and government downsizing.<sup>12</sup>

The problem in practice with this 'Washington Consensus' approach is that it is based on ideal market conditions and is not appropriate for economies that have been ravaged by conflict and suffered economic distortions.<sup>13</sup> Political economists have demonstrated painstakingly the frequent negative consequences of

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<sup>12</sup> Interviews with senior World Bank and IMF officials, conducted primarily in 1998 and 1999.

<sup>13</sup> Moises Naim, 'Washington Consensus or Washington Confusion?' *Foreign Policy*, Spring 2000, 86-103.

these policies for post-conflict countries, such as in Guatemala, El Salvador and Haiti.<sup>14</sup> Although the World Bank has also admitted the 'follies of conventional wisdom' and their negative results in countries like Cambodia and El Salvador, IFIs continue to advocate largely the same policies to-date.<sup>15</sup> This approach has not only overlooked the underlying causes of conflict but has often exacerbated the feelings of grievance and marginalisation that underlay war, and frustrated public hopes of a peace dividend benefitting ordinary people after conflict, as evidenced in mass public protests against privatisation and liberalisation in countries like Haiti.

Whatever the economic rationale, the consequences of the Washington Consensus policies must be envisaged for a population that fought or suffered bitterly to achieve greater distributive justice, and who dreamt that the end of conflict would restore equal dignity between them and their erstwhile foes. After conflict, there is, indubitably, a need to attend to the socio-economic consequences of conflict. But to ignore the underlying causes, the systemic injustices and structural inequalities (real or perceived) that led people to take up arms against their own neighbours is to discount their motivations and to re-stoke the embers of conflict.

The striving for rapid economic growth and stabilisation purportedly to feed conflict's survivors has to be balanced with a striving for greater equity between these survivors, so that they regain human dignity and are not lured back to violence to express un-assuaged grievances. This is not an easy balance to achieve within

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<sup>14</sup> Gilles Carbonnier, *Conflict, Postwar Rebuilding and the Economy* (Geneva: UNRISD, 1997); Manuel Pastor and James Boyce, *The Political Economy of Complex Humanitarian Emergencies: Lessons from El Salvador* Working Paper no. 31 (Helsinki: UN University (UNU) and World Institute for Development Economics Research (WIDER), 1997)

<sup>15</sup> Its self-critical appraisal and case-studies are presented in World Bank, *Post Conflict Reconstruction: The Role of the World Bank* (Washington, D.C.: World Bank, 1998)

the constraints of post-conflict environments. Yet, to pursue the former while neglecting the latter may imply pursuing an illusory negative peace through preserving lives, without the necessary underpinning of positive peace, to give those lives equal dignity.

## Conclusion

Justice is a concept that has preoccupied humans for millennia, and been the subject of philosophical cogitation, spiritual and social reflection, and political contention in every culture and civilisation. Justice is at once philosophical and political, public and intensely private, universal in its existence and yet highly individualised and culturally-shaped in its expression. The seeming universality of the value of justice reinforces the tendency of scholars and practitioners to treat it without nuance, without reference to its manifold cultural and individual expressions.

In seeking to restore peace with justice in the past decade, international peacebuilders sometimes imposed rather than proposed and facilitated solutions. For their part, national peacebuilders often took an opportunistic and politically expedient rather than a principled and sustainable approach. What is required to bridge the gulf between war and its terrible injustices, and rejoin peace and justice is an approach based on mutual understanding: a 'social compact' between all stakeholders in post-conflict societies: civilians and combatants, citizens and governments, international peacebuilders and national recipients.

As Sri Lanka charts her path toward a just and sustainable peace, and seeks to remarry peace with justice in this historically peaceful multi-cultural island, there will be important choices ahead of her. Sri Lanka's leaders must be urged to attend to all three dimensions of justice, recognising their interlinkages and mutual dependance, while also recognising their complexity and the lure of simple solutions. They must avoid the temptation to focus on the easiest dimension, and resist external donor or media pressure to attend to the most

popular or sensational. Sri Lanka's people for their part must remain vigilant and engaged throughout the process, and ensure that their leaders recognise and pursue their vision of a just peace that includes all the island's diverse survivors of war.

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