

# **LIVE FROM GOD'S PEACE**

## **- CARE FOR JUST PEACE**

**A Memorandum of the Council of the Evangelical Church in Germany**

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Members of the Advisory Commission for Public Responsibility of the EKD

# LIVE FROM GOD'S PEACE

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### A Memorandum of the Council of the Evangelical Church in Germany

#### Foreword

The Evangelical Church in Germany (EKD) has always considered peace to be a central theme of public responsibility. The shock over the devastation caused by the Second World War, the outbreak and course of the Cold War, the controversies about rearmament and mandatory military service, the mutual deterrence with nuclear weapons and growing attention to the North-South conflict – all these were important issues in the development of judgement within the Church. Some of these were tough tests for the unity of the Church, in particular the nuclear arms debate of the late fifties and, once again, early eighties. Work on these issues led to peace contributions by the Church of lasting significance, of which the so-called *Ostdenkschrift* (**Die Lage der Vertriebenen und das Verhältnis des deutschen Volkes zu seinen östlichen Nachbarn = The situation of the displaced persons and the relation of the German people to its neighbours in Eastern Europe**), which was published by the EKD in 1965, is an outstanding example because of its encouragement of steps towards reconciliation. The insights gained along the way were summarized in 1981 in the Memorandum “Protecting, Promoting and Renewing Peace”.

Since then, the global political situation has fundamentally changed. After the end of the Cold War, the termination of the division of Europe, and the unification of the two German states in 1989/1990, numerous new challenges for peace ethics and peace policy emerged. The hope that the resolution of the global conflict between the USA and the Soviet Union would result in a “peace dividend” did not come to fruition. Violent conflicts in the Balkans, the collapse of state authority in various parts of Africa and Asia, and the privatization of force in the hands of warlords and civil war factions, made apparent with renewed urgency the need to subject the use of force to the rule of law. Among the great threats to peace in our time there is, in particular, modern international terrorism. The question is, however, how this and other acute threats to world peace can be tackled in a lawful, effective and sustainable way.

The EKD responded to the new peace ethics challenges that followed German reunification and the fall of the Iron Curtain with guidance memoranda of an intentionally provisional character. “Steps on the Way to Peace” was the title deliberately chosen for the 1994 memorandum. A subsequent text in 2001, “Peace Ethics on Probation”, was characterized as “interim results” and adopted by the EKD Council a few days before the terror attacks of September 11. Using examples from Africa, in 2002 the relationship between violent conflicts and civil interventions was discussed in a study that the EKD Advisory Commission

for Development and the Environment was responsible for, entitled “Guide our feet into the way of peace”.

After September 11 2001, voices in the Church and in society increasingly expected from the EKD a new fundamental contribution towards orientation in peace ethics and peace policy. Consequently, in 2004 the EKD Council tasked the Advisory Commission for Public Responsibility to draft such a new memorandum on peace. The Commission applied itself to that task with great commitment, diligence and expertise. This has resulted in a text that the EKD Council readily adopted, on account of its sober analysis, its well-founded biblical/theological argumentation, and its consistent reference to the central idea of just peace. I wish to express warm thanks to the members of the Advisory Commission for Public Responsibility, and in particular its Chairman, Professor Dr. Wilfried Härle, and Vice-Chairwoman, Professor Dr. Eva Senghaas-Knobloch, for their work.

Whenever possible, memoranda should express a consensus formulated on the basis of Christian responsibility, carefully examined and formulated on behalf of all society. Therefore it is of great significance that the EKD Advisory Commission for Public Responsibility was able to adopt this text in full consensus, and that the EKD Council also approved it unanimously. It must be noted in particular that this Memorandum — contrary to the Heidelberg Theses of 1959 – holds the view that the threat of using nuclear weapons is now no longer justifiable from a peace ethics perspective. As to the consequences of this for peace policy, the Advisory Commission for Public Responsibility was unable to reach agreement. However, it is not unusual for a consensus on ethics to allow for differing opinions as to its political consequences. This makes all the more remarkable the extent to which this Memorandum achieves agreement with regard to specific implications.

This Memorandum consistently expresses principles and maxims that are as straightforward as they are convincing. Who wants peace must prepare for peace. Who lives *on the basis of God's peace* must stand up for peace in the world. Just peace in a globalized world presupposes the development of the system of international law. Security and peace policy of states must be considered from the perspective of concepts of “human security” and “human development”. These clear main ideas lead to concrete and specific options for action. Thus, the necessary legal structure for an international peace order is coupled with the need for this structure to be committed to the primacy of civilian conflict management and to tying the use of force to strict ethical and international law criteria. Therefore not even the challenge of modern international terrorism justifies a revival of the notion of “just war”. Rather, particularly in such a situation, an orientation of all peace policy considerations towards the guiding ideas of “just peace” proves its worth.

The Memorandum constantly emphasizes the need for prevention, recognizes the primacy of non-violent methods of conflict resolution, and ascribes to civil peace and development services an important role for re-establishing, maintaining, and developing a sustainable peace. It is with this basic orientation that the Evangelical Church in Germany contributes its voice to the political and ecumenical debate. It also sees this Memorandum as a contribution to the Decade to Overcome Violence (2001-2010) proclaimed by the World Council of Churches.

“The Lord lift up his countenance upon you, and give you peace”. This biblical blessing often concludes the Protestant worship service. The peace of God provides foundation and horizon

for all human striving towards peace. This spirit characterizes the present Memorandum, and in this spirit I hope it will find broad public *resonance*.

Hanover, October 2007

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(Chairman of the EKD Council)

## Introduction

(1) Peace is not something that can be taken for granted. Preserving, promoting, and renewing peace is an ongoing challenge.<sup>1</sup> After the end of the Cold War and the militarily charged confrontation between the East and West blocks, a perspective for understanding and cooperation opened up. The big global summits in the 1990s attest to the comprehensive efforts made towards common normative and political principles in a variety of policy areas. The link between peace and justice, unbreakable according to Christian ethics and expressed in the term “just peace”, has been and will continue to be discussed in many forums and formulated in policy. It is on this concept that the hope of a lasting peace on earth is based.

(2) At the same time however, new threats to peace and front lines have emerged since 1989/90: while a new world order is emerging, states are collapsing. Global networks are being built; yet the vulnerability of people, states, and societies has increased. Power configurations at the international level are shifting, and military capability is again growing in importance, yet the military is proving to be powerless in the face of the political challenges of sustainable peacekeeping.

(3) Increased global interdependencies increase mutual dependencies – albeit asymmetrically. Political leadership requires greater coordination and caution. Straightforward presentations of the feasibility of peace policy turn out to be unrealistic. They clash with the uniqueness of each individual conflict situation and must also contend with the unforeseeable consequences of interventions. On the other hand, failure to render assistance also has consequences, which for example affect affluent countries in the form of migration from the impoverished areas and new armed conflicts.

(4) Never before have physical distances been shrunk so much by communications media and technologies; yet new violent conflicts along cultural and religious lines are emerging. In this complex situation, the network of United Nations institutions (as well as of other international organizations and civil society initiatives) is of tremendous importance. Their potential is weakened, however, by a way of thinking and resultant policy decisions that are based on individual interests.

(5) This Memorandum presupposes that in such a closely interconnected world, cooperative action between states and societies has become indispensable. Chapter One outlines current threats to peace. These are the background against which, in Chapter Two, the contribution of Christians and Churches to world peace, founded in the scriptures, is set out. That includes the mission of proclamation as well as education and instruction, protection and guidance of conscience, work for reconciliation and development of the concept of just peace.

(6) In the economically fissured and politically and culturally diverse global society, approaching a lasting peace system requires more than ever legal instruments and principles that are oriented towards the notion of a just peace. Chapter Three examines the requirements of a global peace system as a legal system on the basis of the concept of just peace. These include ethics for the legal use of force in the international sphere, which also delineates the

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<sup>1</sup> The preservation, promotion and renewal of peace is the title (*Frieden wahren, fördern und erneuern*, Gütersloh 1981) of the Evangelical Church in Germany's (EKD) only peace ethics statement of principle to date explicitly characterized as a “memorandum on peace”.

boundaries for the use of military force. Insofar as the Christian Church accepts the view of a peace system as a legal system, it makes itself an advocate of just peace.

(7) Chapter Four addresses specific areas relevant to peace policy, as indicated by the presentation of the threats to peace (Chapter 1) and the peace and law ethics requirements (Chapters 2 and 3). This chapter addresses the challenges of strengthening universal multilateral institutions and – connected with this – the perception of Europe’s responsibilities for peace policy. The specific steps on the road to just peace are oriented towards the dignity of human beings and the actual living conditions of individuals. Institutions and courses of action must be assessed by whether, in the sense of the concept of “human security,” they improve the security<sup>2</sup> of people from violence, poverty, and lack of freedom, promote opportunities for personal development, recognize cultural diversity, and thereby contribute to social relationships that promote peace worldwide. These challenges are aimed at preventing violence and linked with a long-term view of peace policy, and thus serve the ends of just peace.

### 1. Threats to Peace

(8) Since the last EKD Memorandum on Peace was published in 1981, there have been many, then unimagined, positive developments. The end of the Cold War, the reduction in the conglomeration of troops and weapons systems that had been built up in Central Europe over the decades, and the drastic reduction in nuclear weapons, have eliminated the threat of Germany becoming the kind of battlefield where everything we wished to defend would initially have been largely destroyed. The unexpectedly reunified Germany also benefited most from these developments in terms of its security. The successive expansion of the European Union (EU), the Council of Europe, the North Atlantic Treaty Organization (NATO), their partnerships, and the further development of the Conference for Security and Cooperation in Europe (CSCE) into the Organization for Security and Cooperation in Europe (OSCE), have brought the vision of a “free and united Europe” nearer to our grasp.

(9) Of course, humankind is still a long way from the hoped-for “new world order”. In fact, it would be more accurate to talk about a new world *disorder*. Old conflicts and new threats to security are tied together with the socio-economic problems that are becoming increasingly relevant to peace and security and new power politics in our world. The international community is aware of the threats to peace and security at the beginning of the 21<sup>st</sup> century. In his 2005 report “In Larger Freedom: Towards Development, Security and Human Rights for All”, the Secretary-General of the United Nations listed alongside “international war and conflict [...] civil violence, organized crime, terrorism and weapons of mass destruction”, “poverty, deadly infectious disease, and environmental degradation” as able to “cause death or lessen life chances on a large scale” and “undermine states as the basic unit of the international system”. He recalls the preamble to the Millennium Development Goal of a “triangle of Development, Freedom and Peace”.<sup>3</sup> He shows that security in the world today

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<sup>2</sup> In ecumenical contexts, such as in recent documents of the Conference of European Churches (CEC), it is emphasized that from the Christian point of view comprehensive and absolute security can never be achieved, as human life is always associated with vulnerability. Peace and freedom from violence must therefore also always be in jeopardy. This does not however contradict the concept of “human security”, but merely adds a different, additional perspective.

<sup>3</sup> For more on the Millennium Development Goals, see the statement of the Advisory Commission on Sustainable Development of the EKD: *Steps towards Sustainable Development: The Millennium Development Goals of the United Nations* (EKD-Text 81, Hannover, 2005)

depends on there being widespread understanding of the fact that threats of various kinds that are seen as highly urgent in one world region, are of the same degree of urgency for all.

### 1.1 Global socio-economic problems

(10) For many millions of people living in poverty, the “peace dividend” of the end of the Cold War has brought no improvement in their living conditions. However, the concept of “human security”, which was developed by the United Nations Development Programme (UNDP) in the 1990s, has made the fate of human beings (rather than interests of nation states) the central focus, and in 2000 heads of state and Government agreed to the United Nations Millennium Development Goals. Unfortunately, these are yet to be achieved in full, although there has been some progress. Some emerging markets are experiencing growth, but many regions suffer from unfair distribution of wealth, destitution, impoverishment, over-indebtedness, maladministration, violence, corruption, human rights abuses, disease, lack of education, and incompetent state structures and politicians, which perpetuate the vicious circle of misguided development and underdevelopment.

(11) The share of the poorest countries and their populations in the positive effects of globalization is too small. The North-South problem is getting worse, and in many areas the gap between developed and developing countries is growing. Although world trade more than tripled in the mid 1990s, and production and trade is growing as a result of the development of communication technologies and the rapid transfer of capital, this growth is predominantly in and between states within the OECD world, and between OECD countries and a few emerging economies. Two thirds of the world’s population are still living in abject poverty. Since the end of the Cold War, more than five times as many people have died from poverty-related causes as died during the Second World War – some 270 million people; 18 million people die each year from hunger or its indirect consequences; almost 900 million people are malnourished.

(12) In the developing world, poverty and malnutrition are coupled with utterly inadequate health care systems. Each year, 11 million children die from preventable diseases and half a million women die during pregnancy or childbirth.

(13) The over-exploitation of the natural environment, often out of concern for basic survival, but also on account of lower levels of agriculturalization, poor organization of agricultural production, or industrialization, makes it even more difficult to achieve coherent development. In Africa, almost half of all land is threatened with desertification, which would lead to impoverishment and make it uninhabitable. Due to their higher energy and water needs, greater mobility (private transport, tourism), and consumer habits (e.g. meat-eating), people in industrialized countries and countries in transition are also responsible for the decline in resources that is a threat to all states, and there is no sign of this trend being reversed. It remains to be seen to what extent climate change, currently being so widely debated, might result in specific threats to peace, but this cannot be ruled out.

(14) Today it is broadly recognized that sustainable development is necessary for lasting peace structures. However, this is restricted by the unwillingness of rich countries to pay up: in 1964, 0.7 per cent of their gross national product (GNP) was the accepted target for their development aid contributions; Germany has so far only managed to achieve a development

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aid budget of 0.3 per cent of GNP, although according to OECD statistics more than 3.5 billion Euros of this went to debt reduction. Moreover, the effectiveness of official development aid is affected by many shortcomings. It is striking that some of the development aid is spent at least indirectly on armaments, weapons and war.

(15) In the United Nations Economic and Social Council, the World Bank, the International Monetary Fund, the World Trade Organization etc., the world has at its disposal a range of institutions that ought to be in a position to ensure that globalization enables a life with human dignity for all the inhabitants of this earth. Yet it can be shown that the measures and conditions that are primarily focused on liberalization, deregulation, and adaptation to Western economic models have often compounded the difficulties. Making an effective contribution to reducing deprivation, violence, and restrictions on freedom would not only be an act of solidarity, but would also be an act of considered self interest. Europe, on its “island of prosperity”, is no longer unenlightened in this respect. “Boat refugees” and the people from Tenerife, Lampedusa and elsewhere who, out of desperation and hope, are putting their lives in danger, are a visible manifestation of how socio-economic problems and the lack of prospects for young people in Africa and other countries of the South reach the shores of the Mediterranean. These are presumably only forerunners, and the aftershocks of social upheavals are increasingly going to be felt by us here too.

## 1.2 The collapse of states and the breakup of political communities

(16) Despite globalization, multilateralization, and the commodification of international relations with the non-state actors that are becoming increasingly important, primary responsibility for solving the existential difficulties of their populations and for maintaining peace remains with states. However, many states are not up to the task. Experiences in Bosnia, Kosovo, Afghanistan, and in particular at present in Iraq, show that good governance or Western-style democracy cannot simply be “imposed” or introduced by force.

(17) Bad governance plays a big role in the suffering in developing countries, which is in part connected with the history of colonialism and neocolonialism. *Failing states* and the use of force by non-state actors (so-called “privatized force”) also result in threats to peace for other states and for the international community as a whole.

(18) Human rights violations, including mass atrocities and genocide, also have their origins in the arbitrary setting of borders by colonial powers, resulting in efforts for secession. Despite efforts to the contrary, the supposed “way back” to ethnically homogenous states is closed. “Ethnic cleansing” should not occur, but must be outlawed and wherever possible prevented. Yet in many countries minorities lack protection, equality of rights, and the right to development as well as the promotion of language and culture. The United Nations human rights treaties, the Convention against Genocide, and the concept of an international “responsibility to protect” have so far proved to be wholly inadequate, and whilst the failure of the international community in the face of the genocide in Rwanda in 1994 is much lamented, the international community is currently facing significant new challenges in the form of mass expulsions and killings in the Sudanese Province of Darfur and violence in the Congo.

(19) After violent internal conflict, civil war, and external military intervention, peace takes a long time to return. The power of historical analysis and unreconciled memories, the victims' feeling that they cannot live with the perpetrators again, the calls for vengeance, and the continuing readiness for violence, are the germs of potential new misery, which often then becomes virulent in crisis situations.

(20) In all political developments, the significance of the media has grown immensely, not only for developing a climate of trust, but also of hate; for global awareness of problems and crises, but also for propaganda; for demarcation, but also for solidarity. The comprehensive media coverage of war and violence also presents a picture of a world without peace, because reality is also constructed by the media. On the national and international scale, the attitude to such issues, but also to strategies to find solutions to socio-economic problems and dialogue with civil society, is of great importance. A fundamental rethinking is needed of what responsible journalism in the digital age can contribute.

### 1.3 Threats through armed violence

(21) The difference between today and the time of World Wars I and II and the Cold War is characterized not least by the dramatic increase in violent civil conflicts by comparison with wars between countries. According to agreed statistics, the total number and victims of inter-country wars and violent civil conflicts has fallen since the 1990s, partly as a result of the peace efforts of the United Nations in particular. In 1992 there were 51 armed conflicts (in which at least one of the warring parties was a government); in 2005 there were only 31. At the same time, however, there has been a criminalization and commercialization of violent conflicts. Irregular forces, "war fighters", warlords, and organized crime, have undertaken the "privatization of force". War has become a business, and private military companies with no discernible public accountability are gaining influence. This development can be traced back to the time before modern states monopolized the use of military force.

(22) This feeds the availability of (small) weapons and mines as well as arms exports and the international weapons trade. It results in developing countries squandering resources on arms instead of spending them on mine clearance, and in depleting their natural resources. Despite initial successes with the prohibition of anti-personnel mines, where these were set without being mapped or self-deactivating, they have turned vast swathes of land in former civil war regions into life-threatening areas.

(23) The further proliferation of weapons of mass destruction is one of the biggest threats to humankind. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which for a long time has had the effect of a legal prohibition, is now under threat. Nuclear know-how, technology, and materials are being proliferated. Established nuclear powers are continuing to modernize their nuclear arsenals. New nuclear states are emerging, such as India, Pakistan, and North Korea, sometimes without ever having been a member of the NPT. Others have nuclear weapons at their disposal without officially declaring them (Israel); yet others have declared themselves to be nuclear powers or have withdrawn from the treaty (North Korea). The case of the controversial Iranian nuclear programme makes clear the need for and complexity of exercising effective control over the transfer of dual-use materials. Moreover, established nuclear weapons states comply inadequately with their obligations under the NPT.

(24) In addition, there is the increasing risk of radiological weapons (“dirty bombs”), which combine conventional dynamite with radioactive material, and as such do not require anywhere near the same advanced level of technology as nuclear weapons, but could have devastating effects if they are used – indirect, long-lasting effects as well as causing mass panic and uncertainty. The total volume of the stocks of radiological material is a cause for concern. Worldwide, many storage facilities have inadequate security. Chemical and biological weapons also pose an increasing threat, because like radioactive bombs they are seen as the “poor man’s weapons of mass destruction”. Dangerous chemical substances are widely used and relatively simple to acquire and render weapons-capable. Globally, there are some 6000 industrial chemical plants that provide opportunities to manufacture such materials. The same goes for biological weapons, the manufacture of which is even harder to prove.

(25) It has proved politically difficult to agree on a common understanding of “terrorism”. In the absence of such an understanding, we can use the definition proposed by the United Nations Secretary-General in his report “In Larger Freedom” (2005), according to which, “in addition to actions already proscribed by existing conventions, any action constitutes terrorism if it is intended to cause death or serious bodily harm to civilians or non-combatants with the purpose of intimidating a population or compelling a Government or an international organization to do or abstain from doing any act.” Terrorist networks make use of the latest communication technologies, have links with organized crime, and have developed almost impenetrable funding and money-laundering methods. The “War on Terror” launched by the United States Government after September 11 2001 brought with it the risk that democratic states and their agencies might also violate principles of the rule of law when fighting against groups that do not respect laws. Abuses such as those in Abu Ghraib, incarcerations with no legal basis, and inhumane conditions for persons accused of terrorism, such as in Guantánamo, assaults by secret services or private security service providers, and secret prisons, all damage political credibility and the rule of law, and risk mobilizing support for terrorists. It therefore is a threat to peace in itself, if states based on the rule of law do not act as such and do not pay heed to the roots of terrorism.

(26) The reasons for the emergence of terrorist networks and cells as well as for the recourse to terrorism are multifaceted, but among other things they have to do with the relations between the Islamic and Western worlds and with a sense of being humiliated by the superior West, as well as with Western, especially US-American, politics at the beginning of the 21<sup>st</sup> century. Socio-economic problems, above all the lack of prospects for young men and the lack of participation, make rich breeding grounds for the support that is being received by radical movements. In many cases, the causes need to be researched and put right. That requires intensive dialogue and greater understanding between civilizations and cultures. Discrimination and the lack of integration of immigrants in Western countries play a role in threatening peace, where explosive potential for tension and conflict has emerged in “parallel societies”. The unresolved Middle East Conflict is a festering wound, and the failure to treat Israel equally in United Nations Security Council resolutions, leads again and again to radicalization. In countries such as Iraq and Afghanistan, the stronger Western troops are seen as occupying forces, making it all the more difficult to “dry up” the terrorist networks.

(27) In this connection, we must not underestimate the effect of the “double standards” of the West, in trade, climate, and nuclear policy for example, as well as of the contradiction between Western demand for universality and shrinking Western regulatory powers. New, Asian, centres of gravity for the world economy and world politics are currently emerging.

China and India, both nuclear powers, and both large states with huge populations (currently 38% of the world population) and strong growth, are striving to inherit the most advanced technologies and strategic raw materials such as oil. This situation intensifies the dependence of those who until now have been the leading players in world politics on geopolitically and geoeconomically motivated policy. This creates the risk of new conflict areas becoming dominant in world politics, which could have military implications. The increasing determination of some Western countries to use force to assert their own interests is damaging the image of the West.

(28) The close interdependence of the global economy, the globally increasing energy needs of rapidly growing countries, the dependency of developed states on raw materials, increasing concern about energy security, and secure access to fossil fuels, are all grounds for Germany too to have particular interest in international stability, free world trade, and the unimpeded exchange of goods. These can be threatened, among other things, by the jeopardizing of sea routes by piracy or regional conflicts, the monopolizing of sources of raw materials and of distribution infrastructure, as well as by disruptions to global communications. All this has security policy dimensions, but militarizing the problem must be avoided. Access to strategic resources cannot be secured through military intervention. Cooperation between supply, transit, and demand countries through inclusion in the economy is paramount.

(29) The vulnerability of our modern society is made clear by the so-called “asymmetric threat” to states with highly advanced technology, utilities, infrastructure, bank and computer networks as well as threats to the civilian population posed by non-military opponents. Asymmetry has many aspects: the opponent is intangible; does not comply with the rules limiting the use of force; and therefore universal protection is not possible. Organized crime is also involved in the threat to modern societies and their infrastructure, not only through its cooperation with terrorism, but also because it has effects that weaken states based on the rule of law, disrupt societies, and thus threaten peace.

#### 1.4 Cultural and religious threat factors

(30) Since September 11 2001, Islamic terrorism in particular has come into the field of view of the world public. It is of fundamental importance to distinguish between the world religion of Islam, Islamicism as a politicized, fundamentalist interpretation of that religion, and Islamic terrorism prepared to commit violence and cause disturbances. It is important to understand the motives of the perpetrators of terrorist attacks and of those who are behind them. As they see it, terrorist attacks against civilian targets are an Islamic war against “the West”, against “Jews and Crusaders” in the tradition of Jihad, and are understood as a religiously motivated shared attempt to defend and disseminate Islam. From this standpoint, terrorism is a fight against unbelievers that is also fought against Muslim “unbelievers”. In this connection it should be noted that a great many Muslims around the world have fallen victim to this legitimization of terrorism in recent years. As Muslims emphasize, the religious justification of terrorism that is put forward calls incorrectly on the original Islamic traditions. Even the fundamental concept of “Jihad” is not simply synonymous with “Holy War”, but means quite generally a “struggle towards God”. This can include one’s own moral betterment, combating hunger, thirst or disease, as well as literacy campaigns. Against this

background, most Islamic governments and people of the Muslim faith reject the concept of Jihad as calling for terrorism.<sup>4</sup>

(31) In none of the major world religions is there a necessary or even unavoidable connection between religion and violence. Yet often the link between cultural and religious factors with social, economic, or power-politics approaches, leads to the outbreak of violence or the escalation of (armed) conflicts.<sup>5</sup> Such conflicts may be characterized as religious or may be legitimized through religion, but in general have neither religious nor cultural causes. In that regard it must always be taken into account that not only (or not even predominantly) do conflicts exist *between* cultures and religions, but that there are also great tensions and disagreements that take place *within* culture circles and between members of one and the same religion. In the last two thousand years Christians too have not infrequently been on the side of the perpetrators with regard to the use and practice of destructive force. This is one of the sorry aspects of the history of Christianity. It not only necessitates a self-critical reprocessing of that history, but also provides an opportunity continuously to seek ways to overcome the use of violence and to establish sustainable peace.

### 1.5 Weakening of multilateralism

(32) Various conclusions can be drawn from the summation of current threats to peace. Unilateralism and multilateralism are two current strategies of international politics. Whereas unilateralism is oriented towards the national interests of a state pursued under its own power or through an “alliance of the willing”, multilateralism stands for cooperative action on the basis of relations of regulation and equality that take into account the interests of all partners. Multilateralism is therefore desirable, because many problems cannot or can no longer be resolved by individual states. Burdens can be shared, risks can be assessed together, actions can be coordinated. Multilateral, above all universal, regulations, especially those of the United Nations, have failed, however – in addition to the lacunas that still exist – because of an increasing tendency towards unilateralism under pressure.

(33) Critics bemoan the fact that far from all member states of the United Nations are represented by democratically legitimized governments; that the composition of the United Nations Security Council is based on the dynamics of the world when the United Nations was founded at the end of the Second World War, rather than the beginning of the 21<sup>st</sup> century, and that the share in decision-making mechanisms of various regions of the World—not least rich countries and developing countries – is entirely unfair. The United Nations is also said to take too little account of the fact that – regardless of the continuing role of the nation state in the exercise of power, responsibility, and the determination of policy – more and more other actors are present on the world stage. Above all, regional connections of various kinds, multilateral economic and trade institutions, multinational companies, and non-governmental organizations, are creating global networks of the most diverse actors. In many respects there is a lack of consensus about the practical significance that the norms and obligations of member states set out in the Charter and in resolutions have for policy. Accordingly, there is

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<sup>4</sup> For more on the relationship between Christendom and Islam in Germany see the practical booklet provided by the EKD Council, *Clarity and Good Neighbourly Relations: Christians and Muslims in Germany* (EKD-Text 86, Hannover, 2006).

<sup>5</sup> For more on these issues see *Guide our Feet into the Way of Peace* (EKD-Text 72, Hannover 2002).

a lack of political will on the part of member states for implementation, early recognition and early warning capacity, and for instruments, resources and support.

(34) The big powers in particular tend to rely on multilateral institutions only to the extent that it serves their own interests. They are prepared to integrate into multilateral regulatory and trade areas only to a limited extent, and they try to get around and thus weaken existing multilateral institutions and arrangements. An action that does not correspond to the multilateral spirit or direct unilateral or high-handed action provokes opposition from other actors, who in turn also tend towards unilateral modes of action. In summary, there is a danger that multilateral obligations are only respected to a limited extent, with the consequence of legal uncertainty and the jeopardizing of peace qualified by law.

(35) Action taken in response to the terrorist attacks of September 11 2001 that weakens the multilateral body of regulations of the United Nations Charter must therefore be observed with concern. The unforeseeable nature of specific threats, and the potentially devastating scale of possible terrorist attacks, heighten the controversy over whether states such as the USA have the right to resist unilaterally, and to use military force “preventively”<sup>6</sup> to defend themselves against such threats. The vast majority of the international community, supported by the analysis of the United Nations Secretary General and of numerous experts, considers the existing sanctions system under chapter VII (Article 39, 41, 42 UN-Charter), together with the states’ traditional right to self-defence under article 51 of the United Nations Charter, to be a sufficient basis for indirectly counteracting looming threats, including latent threats. But attacks against multilateral legal systems cannot be accepted without comment, because those who accept rights violations in inter-governmental relations over the long term generally undermine valid legal regulations and apply their own legal position in some circumstances. Some states therefore rightly based opposition to the attack against Iraq in 2003 on its lack of authorization by the United Nations Security Council. Only if we speak up actively today for the multilateral peace system of the United Nations Charter can we hope that tomorrow the regulations will be developed to offer the greatest possible protection, including for our own benefit. This also applies to the entirety of international humanitarian law (*ius in bello*), in which a shocking amount of rights violations have occurred for years without comment or sanction. If instead an international peace system like the United Nations Charter were to be sustainably promoted and strengthened, that would also improve the chances and opportunities for the Christian world to use the means available to it to contribute to peace in the world.

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<sup>6</sup> The language used is inconsistent: although a distinction is often made between “preventive” and “preemptive”, neither term is always unambiguously defined. In particular, jurists and military strategists differ not unsubstantially in their use of these terms.

## 2. The contribution of Christians and the Church to peace

(36) When we live in the peace of God, we are committed to peace on earth. At the root of all the diversity and variety manifested by Christians and churches working to promote peace is always God's promise, God's command and our shared faith. In this faith lies an overarching meaning for human life in relationship to God, other people and society as a whole. What follows is an exploration of this deeply Christian responsibility for peace under five headings, which discuss both its biblical and theological foundations and its practical outworkings.

### 2.1. Receiving and giving peace

(37) The church works towards peace in the world by first of all bearing witness to the peace of God. God's work is always guided by God's "thoughts of peace" (Jer 29:11 AV). This is a peace that takes in the whole person; it makes the body whole, places social relations on a foundation of mutual care, and cultivates a joy of living in the warmth of gratitude to God. In the prophetic texts of the Old Testament, we can already see a messianic expectancy that a Prince of Peace will come (Is 9:5); at the birth of Jesus of Nazareth, "peace on earth" is declared as the earthly corollary to "glory to God in the highest heaven" (Lk 2:14). "Blessed are the peacemakers," said Jesus, "for they will be called children of God." (Matt 5:9). Before his death Jesus left his disciples with the gift of peace that would overcome fear (Jn 14:27). After his resurrection, he greeted those he met with a blessing of this peace (Jn 20:19, 21, 26). And he commissioned his disciples to spread his peace, saying, "As the Father has sent me, so I send you." It is part of the essence of Christ's peace that it should be passed along from one person to the next, freely received and freely shown, enabling more and more people to live in this peace for themselves.

(38) The reasons for the manifold threats to peace are rooted not only in political structures and socio-economic development, but also in the very fabric of human nature itself. To be human means to have both a longing for peace and a tendency to competition that can make us willing to commit violence. Humans are capable of both good and evil; they are not predisposed solely to cooperation but are also inclined to look to their own interests without considering those of others. For the Christian faith, this destructive tendency is an expression of sin – that is to say, of a broken relationship with God. The biblical story of human origins includes the "Fall" (Gen 3) and the first fratricide (Gen 4). From the very beginning of human history, the challenge to humanity is to master sin, which is the root of violence (Gen 4:6-7). The story of Cain and Abel describes the beginning of humanity's failure to obey God's command to master sin as well as the failure to heed his instruction to help one another. This thread of failure runs right through the Bible. Sin still retains its power over individuals and communities – indeed, over creation itself. Another reason why violence, which is an expression of sin, is hard to control, is that there is an inner dynamic within every act of violence – even if its aim is to prevent evil from being done – that begets more violence.

(39) Because God in Christ creates peace, Christians can live in the power of this peace in the midst of a world scarred by violence. We are made aware of the presence of Christ's peace every time we worship God together. At the end of most of our church services, we receive God's peace through the Aaronic blessing that ends "The LORD ... give you peace" (cf. Num 6:24-26). The content of every service can be summed up in the announcement of the "gospel of peace" (Eph 6:15) in word and sacrament. It is here that the call to work for peace on earth

and the discussion of potential ways to achieve this receive direction and orientation. The peace of Christ is to be experienced with a special intensity in the celebration of Holy Communion. This service includes the sharing of the peace. A congregation's experience of forgiveness for sin and peace with God and each other through Communion can enable it to overcome the potential for conflict and open up new avenues into the future. And the congregation takes this peace away after receiving Communion, dismissed with the words "Go in peace". The formulae of greeting, promise and blessing used in the service are powerful conduits of peace.

(40) In our services of worship we pray for peace on earth in many ways. In the prayer for peace (Martin Luther's "In these our days so perilous") Christians give voice to the truth that our concern for peace in the world finds its nourishment by trusting in the peace of God, "which surpasses all understanding". In our intercession, we bring before God the conflicts in the world, particularly those unnoticed or forgotten by the media; that intercession stops us from forgetting them or squeezing them out of our consciousness. Our prayer expresses the fact that our human efforts for peace are directed by the Holy Spirit, and that God wants us to be in cooperation with him. In our intercession we remember the victims of violence and war – both Christian and non-Christian; this strengthens our awareness of a human solidarity that extends beyond all borders. Christian intercession always also remembers the perpetrators: in this way, the Christian community plays its role in pulling apart our stereotypes of our enemies, for every human being is more than the sum of what he has done (or failed to do). In times of crisis and situations of danger, prayers and services for peace – particularly ecumenical ones – gain a special appeal. They can help people come to terms with their fear and demonstrate a desire for peace, which can also have an effect politically.

(41) Christians are all too aware of the ambivalent relationship between religion and violence. Religion is always an imperfect human attempt to respond to the reality of God. In the old story of Cain and Abel, it was precisely the attempt to honour God that became the motive for the first fratricide in human history. One of the major tasks of theology is to conduct a self-critical examination of this ambivalence. Indeed, the very spread of Christianity itself has often been marred by violence committed against those who believed differently and even against voices of criticism within its own ranks. To justify this, Christians pulled certain biblical traditions and themes from the great Judeo-Christian story of God's interaction with humanity and misused them to legitimize violence committed in God's name. The only protection against such errors is to take on board the life-affirming, healing significance of the biblical writings through historical criticism and hermeneutical reflection. The Scriptures then reveal themselves as records of a learning process (one that incorporates many stumbles and falls) through which the image of God is introduced: more and more clearly, God can be recognized as the one who forgives, reconciles and, in so doing, brings about peace. The corollary to this is recognition that violence cannot be overcome by violence.

(42) Ancient Israel's military conflicts are presented in the Old Testament using largely the same pattern: Yahweh, Israel's God, is presented as a "warrior" (Ex 15:3), who leads the Israelites to victory over the enemy. The effect of these stories is to place too high a theological value on war. However, it must not be ignored that, far from fomenting belligerence or even religious fanaticism on the part of the Israelites, the stories in fact downplay the human contribution to how the wars are fought and won. Theologically, their aim is to bring Israel into total reliance upon Yahweh. This is the concept developed by the prophets into an explicit warning not to place trust in military strength alone (in particular Isaiah 7:9; 30:15; 31:1). The prophets' proclamations also include the message that God is by

no means guaranteed to fight on Israel's side in her military adventures, but can use even her enemies as instruments of God's justice (for example, Isa 5:25). In the crisis of exile, prophetic protest at last gave rise to an expectation of a universal Messianic peace, which God would make possible by becoming an active mediator between the nations (Isa 2:1-4). We meet another discomfiting *motif* in the so-called imprecatory Psalms (such as Ps 17, 55, 58 and 109). Many people today – for quite understandable reasons – find it impossible to pray using these Psalms, which tell the feelings of those suffering persecution and their cries for justice – indeed, vengeance – against their oppressors. Nevertheless, even in the Old Testament, these cries are checked by the proviso that it is for God, and God alone, to ensure that the wicked do not triumph over their victims (Deut 32:35-end; cf. Ps 94:1-11; Jer 15:15). And yet God is always experienced as the one who holds back destructive wrath (Gen 6:17), refrains from violence, and allows good to triumph in God's heart (see for instance Hos 11).

(43) The apocalyptic texts of the New Testament predict that wars and violent conflicts will break out as the end of the world draws near (Matt 24:1-41; Mk 13; Lk 21:5-36). However, they never attribute this violence directly to God. Rather they describe God's final judgement as being to abandon people to the deadly consequences of their own hate-filled deeds. When Jesus said that he had “not come to bring peace, but a sword” (Matt 10:34), he was expressing what life would really be like for the first Christians, when coming to faith in Jesus Christ meant conflict and division within families and close relationships. The “sword”, here, symbolizes the severance of all natural ties, rather than a readiness to commit violence. Such an attitude is addressed in Jesus' warning, “All who take the sword will perish by the sword” (Matt 26:52). For Jesus of Nazareth proclaims God's love – indeed, he proclaims God as love. The New Testament gives us many ways to spread peace, inspired by that message: non-retaliation, to break the spiral of violence (Rom 12:19-20); forgiveness, which makes new beginnings possible (Eph 4:32); putting aside our own interests in situations of conflict in order to find ways to achieve reconciliation (Phil 2:3-end); bearing injustice against ourselves as individuals for the sake of peace in the community (1 Cor 6:7). The most important command, though, is the injunction to love our enemies (Matt 5:43-end), for this undermines the whole distinction between friend and foe.

(44) Jesus commissions his disciples to bear witness to his gospel before “all nations” (Matt 28:19). Whether those who hear it are able to accept it is, of course, beyond human control, for faith is a fruit of the Spirit. For this reason, by its very nature, the verbal witness to our faith can only be accepted by free consent, ruling out any use of force or violence in God's name. For this witness – and its acceptance – to remain free, religious and secular authority must be kept separate: as Jesus himself said: “Give ... to the emperor the things that are the emperor's, and to God the things that are God's” (Matt 22:21). In the Reformation tradition, the Protestant Church stands for a clear distinction between the secular society of the state and the religious community of faith; contemporary Christian churches still recognize this difference. Fundamentalist and nationalistic streams within Christianity need persistent reminding of this. Representatives of other religions also need to be asked how ready they are, in their own self-understanding, to make that distinction between religion and state, between religious and secular rule. Within Islam, we would wish to see a strengthening of those forces that would work to open up their religious tradition to democracy and the rule of law; similarly, Christian-Muslim dialogue must not shy away from talking about women's rights and the ties between religion, claims to political authority, and militant violence, to be found in Islam.

(45) When we Christians, in our conversation with people of other faiths, raise the issue of using religion to legitimize violence, we must not try to hide the fact that periods of our own history have been marked and marred by an excessive religious emphasis on war, in contradiction to the teaching of Jesus. Holy Wars and belligerence in general must never be propagated under the banner of Christian faith. Every time throughout history when Christians have acted otherwise, they have been wrong to do so, and have sinned before God and their fellow human beings.

(46) One important contribution that religions can make to peace is by not only repudiating all forms of religious justification for war and terrorist activities, but by openly speaking out against them. In places where acts of war or terrorism are legitimized, encouraged, or perpetrated using religious arguments, when official representatives of religions persistently and publicly condemn those acts and their religious justifications, it cannot fail to have an effect on the willingness of those involved to commit violence and on the perception among both their coreligionists and the wider public of the capacity of religions to promote peace.

(47) *Political peace* – that is, the achievement of the outward conditions necessary for people to coexist and lead their lives together in all their diversity – and *religious peace* – that is, tolerance in relating to the foundational beliefs of others – are each necessary for the other. Amid the cultural and religious pluralism of our modern societies and our globalized world, we have no choice but to strengthen our efforts at interfaith dialogue. Until fairly recently, efforts to achieve interreligious peace and understanding were limited to Christians, Muslims and Jews, but they must now be extended to include all religions, both monotheistic and non-monotheistic. Any serious dialogue has to be guided by equality and by mutual respect, honesty and understanding. This includes a mutual willingness to better recognize our own role in the humiliations and indignities imprinted on the collective memories of other cultures and faith communities. Interreligious dialogue requires partners both to hold fast to their own beliefs and to be able to tolerate each other's claims to truth and see them as an opportunity for self-questioning, especially when those claims contradict their own convictions. For Christians, this tolerance is in itself part of following Christ, whose truth triumphs not through violence but through affliction and suffering.

(48) The Protestant Church works at all levels to promote and contribute to dialogue between different religions and cultures. Fundamentally important to this process are the many interfaith encounters that take place at individual parish levels. These are supported and complemented by dialogues at Protestant Academies, at the German Protestant Kirchentags, and in many other areas of church life. For many years now, the EKD has had a continuing relationship of mutual trust with the Central Council of Jews, while the EKD Council Chairman and leading representatives of Muslim organizations have been holding top-level talks together for a number of years. These conversations do not dodge controversial topics. Closely linked to the EKD is the Action Committee Service for Peace (*Aktionsgemeinschaft Dienst für den Frieden*, AGDF), an umbrella association for Christian peace and voluntary services under the auspices of the EKD that comprises 34 member organizations. The AGDF has held a workshop on Christian-Muslim peace efforts every year since 2002 in association with Pax Christi and a number of Muslim organizations.

(49) As indispensable as all these conversations and encounters are, we must nevertheless draw clear boundaries in the area of worship and prayer. It is impossible to have a religious service in which people of different religions pray together to the same God, because of the disparities in our conceptions of God and, not least, out of respect for each other's religious

convictions. However, at the level of human solidarity, people of different religions can come together on a particular occasion and pray side by side or one after the other.<sup>7</sup> Interfaith encounters must be guided by the determination to deal with our differences in a productive way. As well as each accepting the otherness of the other, we must develop a culture of debate where conflicting positions can be expressed, tolerated and explored in a constructive way.

## 2.2. Educating and nurturing for peace

(50) “Every worship service can and should educate for peace.”<sup>8</sup> In principle, the whole of the Christian Church – especially its Protestant manifestations – can be seen as an institution of education, if we understand “education” as not limited to a merely cognitive transfer of knowledge but encompassing a holistic process of character formation. This understanding of education comes from the recognition that human beings are made in God’s image. It therefore essentially means “formation of the heart”, and includes educating and nurturing for peace. Alongside the life of worship, over the centuries churches have founded many educational institutions for children, young people and adults at every stage of life. The education given at these institutions always encompasses both that fundamental element identified above and an explicit inculcation of the values and standards that grow out of the Christian faith. The formation of the heart, ethical guidance, and practical work for peace belong together and cannot be separated.

(51) There are both theoretical and practical aspects to peace education. Ever since the work of Jan Amos Comenius (1592-1670), Protestant theology has enjoyed an awareness of the basic unity of practice and theory on the one hand and an understanding of the educational theory, politics and teachings involved in studying peace (irenicism) on the other. Among the truths we can learn from his writings are the fact that practical programmes for peace education and nurturing must reflect a realistic image of humanity if they are to have any long-term effect. Such an image will have at least three elements. Firstly, it will see human beings as God’s creatures. This createdness binds us to all other creatures and is essential to help us understand our relationship to our environment with sensitivity and solidarity. Secondly, human beings are creatures with responsibility. As history shows, we spend our lives in practical rebellion against God, and are capable of fathomless evil and cruelty. Overcoming violence is therefore a life-and-death affair. Finally, humanity is made in the image of God. It is because of this that we can hope that the power of sin may be halted effectively, and that people may be brought up and educated to value peace, which is an essential condition for overcoming violence. It is the image of God in people that enables them to act in God’s way in their treatment of others – with love and a willingness to forgive and seek reconciliation.

(52) Education simply cannot begin too early in a human life. A Christian understanding of education will therefore seek to inculcate values of peace and justice from the very beginning. Thus, bringing children up to value peace needs to form an essential part of the

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<sup>7</sup> Cf. in particular: *Christlicher Glaube und nichtchristliche Religionen: Theologische Leitlinien* (“Christian belief and non-Christian religions: theological guidelines”) by the EKD Advisory Commission for Theology (EKD-Texte 77), Hanover 2003; and, with particular regard to Christian-Muslim relations, *Klarheit und gute Nachbarschaft: Christen und Muslime in Deutschland* (“Being clear and being a good neighbour: Christians and Muslims in Germany”), a guide by the EKD Council (EKD-Texte 86), Hanover 2006, especially pp. 113-118.

<sup>8</sup> *The Preservation, Promotion and Renewal of Peace*, a Memorandum of the EKD Church Office (EKD Bulletin, special issue), Frankfurt 1981

elementary Christian education that largely takes place in nursery schools. The 8,000-plus nursery schools run by EKD member churches can contribute to this; the Protestant and the Roman Catholic churches together operate nearly 40 per cent of all the nursery schools in Germany.<sup>9</sup> The aim of the practical work of these facilities is firstly to show how peace and justice have their roots in the Christian religion – for instance, in the example of Jesus – and to make that understandable to children. Secondly, it is to enable them to put the Christian understanding of peace into practice in real-life, everyday situations. This is why it is important for the social, linguistic, cultural and religious differences found within nursery schools to be admitted, taken seriously and used as a starting point for these educational processes. This includes knowledge of one's own roots, respect for what is different or unknown, and the development of a culture of fair, constructive debate. Education and nurturing for peace are a lifelong task.

(53) The EKD sees its responsibility to educate as continuing throughout people's lives, taking various forms and involving different kinds of institutions. Alongside nursery schools, church schools, the provision of religious education in the state school system, children's services, and work with children, young people and confirmation candidates are particularly significant. Young people and adults are served by the German Protestant Kirchentag (*Deutscher Evangelischer Kirchentag* or DEK), youth-work and/or Protestant adult education opportunities, and the Protestant Academies (*Evangelische Akademien*). Church journalism and its presence in the media – including on the Internet – make their own particular contribution. The Committees and Advisory Commissions of the Council for various issues – most importantly the Advisory Commission for Public Responsibility – regularly address questions of peace ethics and policy. The EKD publishes Memoranda. The so-called *Ostdenkschrift* ("The situation of the displaced persons and the relation of the German people to its neighbours in Eastern Europe", 1965), *Friedensaufgaben der Deutschen* ("The responsibilities of Germans for peace", 1968), *Der Friedensdienst der Christen* ("The duty of Christians to peace", 1969), *Frieden wahren, fördern und erneuern* (published in English as *The Preservation, Promotion and Renewal of Peace*, 1981), *Schritte auf dem Weg des Friedens: Orientierungspunkte für Friedensethik und Friedenspolitik* ("Steps on the road to peace: guidelines for ethics and policy", 1994/2001) and *Richte unsere Füße auf den Weg des Friedens* ("Guide our feet into the way of peace", 2002), and many other texts, are marked by a great continuity of content, focusing on a conception of peace characterized by reconciliation, truth and justice. The Christian peace services that make up the AGDF provide practical opportunities for training. These can take the form of basic, short-term training on preventing and overcoming violence, or long-term, comprehensive training to prepare for work in peace and development organizations. Alongside the AGDF, another major player in this area is the Evangelical Development Service (*Evangelischer Entwicklungsdienst* or EED), which shows, through its many diverse activities, that civilian peacemaking and development assistance are more than just good neighbours – they are each vital for the other.

(54) Comenius' lifelong motto was "May everything flow freely; let nothing ever be forced." This was the foundation for a programme of learning that in some ways displayed many parallels with the current ecumenical Decade to Overcome Violence, launched by the World Council of Churches (WCC) in February 2001 in Berlin. In both timing and content, the Decade to Overcome Violence mirrors the United Nations' International Decade for a Culture

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<sup>9</sup> On the subject of elementary education at nursery schools, cf. the EKD Council Statement *Wo Glaube wächst und Leben sich entfaltet: Der Auftrag evangelischer Kindertageseinrichtungen* ("Where Faith grows and life can develop: the task of Evangelical Day-care centres for children"), Gütersloh 2004. (The figures given in the text above, however, date from 2006.)

of Peace and Non-violence for the Children of the World. When Christian churches demand an end to violence, they are not protesting power itself, or legitimate authority, or assertive, even armed force, but *violence*: they want to overcome – or, at least, effectively limit – those hurtful, destructive, life-threatening violent actions which, by their very nature, lead to escalation. The Decade gives Christian churches, groups and individuals a framework and an organizational space in which they can act and make constructive contributions to overcoming violence. The elements of the Decade dealing with peace policy and peace education contain a comprehensive “cross-cutting” challenge for the church, requiring a careful coordination of the many available approaches, programmes and initiatives, as well as cooperation with civil society.

(55) From the example of the Decade to Overcome Violence, it is clear that education and nurturing for peace represent a task that must be taken seriously at ecumenical levels. The EKD and its member churches maintain a worldwide network of ecumenical relationships and are in contact with churches serving many other peoples and nations around this globalized world. These relationships have a de-escalating effect in that they promote mutual understanding and communication and hence work towards reconciliation. In this context, the notion of conciliar solidarity between the churches always includes the presence of a worldwide learning community, which expresses itself in practical action through engagement with many different local ecumenical groups, associations and initiatives. The spiritual roots of this engagement strengthen the churches in their work for peace around the world. This enables them also to become important partners for states, civil society groups, and non-governmental organizations that share the commitment to peace on earth.

### 2.3. Protecting and informing the conscience

(56) The Protestant Church, in the Reformation tradition, recognizes the central role of the individual conscience in Christian teaching and the Christian life, and consequently in forming a sense of ethical responsibility and judgement.<sup>10</sup> This has always been particularly pertinent in respect to the question of participation in military service, where that service demands a willingness to wound and kill other human beings. Informing and sharpening the conscience and speaking in its defence form one of the fundamental tasks of peace ethics for the church.

(57) The human conscience makes us aware of the moral quality of our action or inaction – be that good or bad – and does so in an irreducibly individual way that touches the deepest part of our personality. In the experience of conscience, through the “thoughts [that] now accus[e], now defend[...]” (Rom 2:15) us in the face of a lapse either committed or about to be committed, we become aware that we are called as individuals to unity within ourselves. It is our conscience that protects our personal identity and integrity. It is no infallible judge, even when individuals bind themselves together to a common course of action dictated by conscience. But it is always wrong to act against one’s conscience, for it can never be good to act in contradiction to one’s own ethical convictions. For this reason, no one must ever be forced to go against conscience; furthermore, no one should be deliberately placed in a situation where it is clear in advance that he or she will face a serious conflict of conscience (cf. 1 Cor 10). Categorical respect for conscience – including permission for different individuals’ consciences to arrive at different decisions – is a direct consequence of the

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<sup>10</sup> Cf. *Gewissensentscheidung und Rechtsordnung* (“Decisions of conscience and the rule of law”), Theses by the EKD Advisory Commission for Public Responsibility (EKD-Texte 61), Hanover 1997

sanctity of individual identity and represents a fundamental prerequisite for all peaceful, tolerant coexistence. Of course, this by no means signifies that we must tolerate any action that any person devises or carries out as soon as he or she appeals to a clear conscience: freedom of conscience is a right to be used in protection and defence, not a way of justifying any action.

(58) Respect for individual conscience is a minimum requirement for the legitimacy of any collective order. The state, too, must honour, protect and strengthen individual freedom of conscience. It does this by establishing freedom of conscience as a human right. Freedom of conscience is a foundation stone of any state that honours human rights – for both the sake of individuals and the sake of the state itself. A democratic state under the rule of law cannot exist unless its citizens freely endorse it in good conscience; this endorsement is a foundational requirement for the democratic legal order. Article 4, paragraph 1 of the Basic Law of the Federal Republic of Germany declares freedom of conscience (alongside freedom of religion) an inviolable and inalienable right without any legal exceptions.

(59) As Christians, we experience (or endanger, or ignore) this unity of conscience in proportion to the new understanding of ourselves given to us by the gospel. The gospel promise frees us from both minute self-accusation and arrogant self-righteousness. Reformation Christians believe that when we have faith to accept this promise confidently for our own lives, that faith becomes a wellspring of freedom of conscience. For Christians, the ultimate factor in the conscience's distinguishing between good and evil is a commitment to God's word in any specific situation. For even a conscience freed through faith still remains fallible in its judgements.

(60) Christians' freedom of conscience is proved in their active love of their neighbour and their service to their fellow human beings. A commitment to and sense of responsibility for peace in this world are among the most important consequences of this dedicated service to the common life of the community. Jesus' words in the Sermon on the Mount calling the peacemakers – the *pacifici* – blessed (Matt 5:9), place a duty on all Christians to promote and propagate peace as much as they are able, whatever their role and wherever in the state and in society they are active. Christian ethics are fundamentally shaped by a willingness for non-aggression (Matt 5:38-end) and a preferential option for non-violence. However, in a world that is as unquiet and unredeemed as ever, serving our neighbours may mean protecting life and law through forcible resistance (cf. Rom 13:1-7). Both options – refusal to bear arms *and* agreement to perform military service – must result from responsible decisions made in good conscience and with respect for the opposing view.

(61) Those who choose not to bear arms themselves demonstrate through their actions what must become the norm in the future if lasting peace is to be established: an international legal order in which refusal to take justice and defence into our own hands has prevailed and no one is forced any longer to make their own justice. Such people therefore need to recognize that there are others who, in the interests of the same order, prevent the emergence of situations in which the law is rendered impotent. Furthermore, those who object to military service should render their commitment to peace credible and forceful by taking up an equivalent civilian service.

(62) The right to object to military service is inherent in the universal right to freedom of conscience. No one must be forced to perform armed military service against his or her conscience (Basic Law/Germany's constitution, article 4, paragraph 3). The Protestant

Church considers conscientious objection to military service a human right, and is working to have that right enshrined in European Union legislation. As a fundamental human right, conscientious objection takes priority even over democratically sanctioned military peacekeeping or international law-enforcement measures, regardless of the form of military service in question. The right to conscientious objection is not reserved for times of war; it also applies on call-up to military training. It is, however, legitimate for the state to designate an alternative compulsory service or to recognize forms of voluntary civilian service as equivalent. Legal protection for conscientious objection should not be restricted to the position of principled pacifism; it must also include selective conscientious objection, where the conscience is informed by ethical concerns about the legitimate use of force, by the rules of international and constitutional law or by political convictions.

(63) The *Evangelische Arbeitsgemeinschaft für Kriegsdienstverweigerer* or EAK (Protestant Association for the Care of Conscientious Objectors) is a service provided by the EKD for conscientious objectors, people performing civilian service, and those currently facing the decision of whether to perform or refuse armed military service. The EAK supports anyone who has made a conscientious decision not to perform armed military service, provides information on issues relating to conscientious objection and civilian service, and helps conscientious objectors (regardless of their religion) to exercise their right under article 4.3 of the Basic Law. The differing functions of EAK and the AGDF complement each other very helpfully. The pastoral care offered to those performing alternative civilian service comprises numerous events and various published materials. People whose Christian convictions lead them into voluntary or professional peace work also require solid pastoral care; as yet, however, the EKD does not provide any official opportunities of this kind.

(64) A high level of ethical responsibility is also demanded of all who are willing to take part in the use of armed force. The only *a priori* justification for their decision is the goal of protecting human life and defending international law. At the same time, they must never forget (and those who support non-violence must remind them) that there is a limit to what can be achieved through military force, that it must in any case be considered only as a last resort, and that, while under certain circumstances the use of arms can halt a conflict, it can never secure a peace. Furthermore, the civil duty of military service is not on an ethical par with the human right to freedom of conscience.

(65) Under the December 1994 OSCE Code of Conduct on Politico-Military Aspects of Security, armed forces personnel are to be consistently reminded, in training and by example, that they are individually accountable under national and international law for their actions, and that the responsibility of officers does not exempt subordinates from any of their individual responsibilities. All soldiers, regardless of rank, are entitled under article 4.1 of the Basic Law to refuse to carry out an order – which may not be made conditional on any requirements defined by the armed forces.<sup>11</sup> The Armed Forces Personnel Act (*Soldatengesetz*) places clear restrictions on both the power to give and the duty to carry out orders. The German army's participation in foreign missions and the transformation it has undertaken for roles in "international conflict prevention and crisis resolution" means that it must continue to ensure that it does not lose sight of the values on which the so-called *Innere Führung* (leadership development and civic education) is based.

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<sup>11</sup> For details, cf. the ruling of the Second National Council on Military Service of the Federal Administrative Court of June 21 2005 (BVerwG 2 WD 12.04)

(66) The EKD supports soldiers as they carry out their difficult role. Protestant pastoral care in the German military is provided on the basis of the Covenant between the state and the EKD to Arrange Protestant Pastoral Care in the Military. This area of the church's work helps to enable the gospel to be announced in word and sacrament – that is to say, for freedom of religion to be exercised – in the special organizational and practical circumstances of military life. One of the most important tasks for Protestant pastoral work among military personnel is to sharpen and inform their conscience as part of the church's work to enable people to make judgements based on peace ethics. This is the goal of one-on-one pastoral care and retreats as well as the “life skills” classes held by military chaplains. Protestant pastoral care in the German military has a broader dimension, whereby it sees its responsibilities to the German military as a whole in terms of supportive yet critical solidarity. This means that, on the one hand, those involved in Protestant pastoral care do, in good conscience, approve of the military's protective role where it is bound by justice and law, but, on the other hand, will not shy away from criticizing specific questions of security policy, strategic doctrines, or mentalities among certain groups. The severely increased burdens placed on the shoulders of servicemen and women by the German military's commitments abroad have also significantly raised the demands on the pastoral and ethical capacities and sensibilities of the military chaplains who support them.

#### 2.4. Working for peace and reconciliation

(67) Christians believe that the wellspring of the human capacity for peace and the foundation of any true peace is the reconciling love of God, which mends our broken relationship with God and does not count our sins against us (2 Cor 5:19; Rom 5:10-end). The reconciliation that God grants us enables our human relationships to be likewise renewed. The Christian community, where this is already under way, is a symbol of this renewal, and has been given the far-reaching task of advancing that reconciliation (2 Cor 5:18). Christians believe that, in Jesus' death on the cross, God made final and irrevocable peace with all creation and fundamentally overcame all human enmity (Col 1:19-20; Eph 2:14-end). This is how we are to understand the significance of Jesus' death as representative suffering (2 Cor 5:21) and as sacrifice for sin (Rom 3:25): in this one person of peace, God gave himself up for the deadly conflicts of the world. In a world permeated by violence, God allowed himself to be made a “scapegoat”, becoming a victim of violence, breaking through the law of retribution once and for all, and freely granting his very oppressors the opportunity to change. In his love for his enemies, God proves himself to be God; in our love of our enemies, we prove ourselves to be God's children.

(68) Reconciliation is achievable only when the dignity of victims is restored to them and perpetrators are not identified once and for all with their crimes. In order to overcome a past steeped in mutual guilt and to open up a new, shared future, reconciliation demands that the parties to a conflict be willing to ask and grant forgiveness. Indeed, reconciliation requires both sides to make radical internal changes: perpetrators must abandon the attitude that led to their crime (remorse), while victims must relinquish the desire for revenge and the identification of their oppressors with their crimes (forgiveness). Reconciliation demands that perpetrators' understanding of and remorse for their crimes lead them to admit their guilt and (as far as possible) take action to put right the harm they have done, and requires victims not to take revenge or bear grudges for the injustices perpetrated against them but to forgive them instead. However, the question of what conditions should be attached to the admission and forgiveness of guilt can be answered only with reference to specific situations. Jesus' love for

sinner shows that God's own work of reconciliation is unconditional *precisely because* it brings about admission of guilt and a change of heart (Jn 8:11). By contrast, the power to decide whether and when human forgiveness is possible belongs to victims alone; yet they, too, must not misuse their oppressors' guilt as a weapon against them. Reconciliation processes can be derailed both by insensitively counting on cheap grace and by manipulating the other party's guilt, and it is often impossible, through the tangle of mutual offences woven through history, for human judgement to make a clear distinction between perpetrators and victims. As a result, Christians' hope for reconciliation often begins and ends with hope for God's forgiveness (Matt 6:12).

(69) Those moments of admission and forgiveness of guilt, which are so vital to any deep reconciliation process, also carry political significance – although the forgiveness of sins in a religious sense should not be identified with any political act. The question for the political world is how reconciliation can go hand in hand with justice; that is to say, how the concept of the law can be used and, where appropriate, altered by the spirit of forgiveness, without being cancelled by it.

(70) Following military engagements between peoples and states, the flood of historical guilt rises so high as to be above the moral or legal responsibility of any individual perpetrator; it includes a failure at the political level which, because it incurs the joint liability of all a state's citizens, leaves a corporate, generational stain of liability. Time does not heal all wounds. They can be kept open by collective folk memories, which tend to be selective – retaining the traumas of destruction and violence and the experiences of victory and defeat, and spinning them to enhance their own self-image. German history since the Second World War demonstrates some of the initiatives that a nation politically responsible for a past wrong can take to bring about reconciliation: alongside state acts of restorative justice such as paying financial compensation and declining to make possible legal claims, non-state activities have been and continue to be important. These include youth exchanges, civilian reconstruction assistance (such as that provided under the auspices of Action Reconciliation Service for Peace – *Aktion Sühnezeichen Friedensdienste* or ASF – a member organization of the AGDF closely linked to the EKD), work to bring disparate interpretations of history closer together (such as by creating joint school text books) and reconfiguring the symbolism used in national rituals of remembrance to aid international understanding. The possible primary function of the churches in preparing a policy of peacemaking and reconciliation based on mutual agreement are substantiated in different ways by both the EKD's *Ostdenkschrift* and the exchange of letters between Polish and German Catholic bishops in 1965. At a politically symbolic level, a willingness for reconciliation and a desire for forgiveness can be made more relevant in international diplomacy when expressed by individually appointed political representatives in an authentic and sensitive way.

(71) In these days, when civil wars have been reignited and political systems transformed, and in societies wrestling with the transition from lawlessness or systemic injustice to the rule of law and democracy, reconciliation is a task – and a challenge – to be tackled primarily within states. If – as was the case in Germany after reunification – the political order can be rebuilt without the individuals who used to hold power, then it can be hoped that the goal of *justice* will be attained through the courts. But criminal law cannot (within the strict boundaries of the rule of law) punish political guilt; only criminal. There has to be a change of attitude on the part of the perpetrators, and that cannot be achieved by force. Criminal penalties remain a last resort: their only contributions to social integration are to increase confidence in the law (particularly on the part of victims) and to enable perpetrators to be

rehabilitated, as well as protecting their human dignity as well – against the thirst for revenge. In times of “velvet revolution”, though, where there is a historic, peaceful handover from old to new elites, it is as a rule politically impracticable to punish systemic injustices under criminal law. In these cases, the best response is to concentrate on working through the past in order to uncover the *truth* without any ensuing legal consequences. It may well serve the interests of “national unity” to pursue a policy of amnesty, simply drawing a line under the past without addressing the guilt incurred, but this will not meet the ambitious aim of reconciliation. Following the end of the *apartheid* regime in South Africa, the Truth and Reconciliation Commission in that country took a middle path – one in which representatives of the churches played a leading role. Its job was to hold public hearings to bring to light the most severe violations of human rights. Perpetrators of politically motivated crimes who were willing to give evidence were offered exemption from punishment. Meanwhile, victims were restored their dignity, obtaining not only compensation but the opportunity to let the world know what they had suffered. There is no doubt that the Commission made significant contributions towards dealing with the past. However, by granting amnesties for the sake of uncovering the truth, the Commission disappointed the hopes of some victims for justice, because many perpetrators cynically admitted their deeds simply to obtain immunity from punishment, with no sign of remorse, and because, contrary to previous promises, even those who would not talk faced no penalties.

(72) Properly used, courts and truth-finding institutions can provide the necessary conditions for a just reconciliation as the past is dealt with. However, there are other steps that need to be taken by a society, and these are dependent on public political and ethical dialogue and communication of both a religious and a therapeutic nature. Here, too, churches and religious communities can play their part. Furthermore, every effort must be made to cooperate with the International Criminal Court for the Investigation and Prosecution of Genocide, Crimes against Humanity and War Crimes, established in the Hague in 2001. The fact that penalties are now incurred for crimes against international law brings us one step closer to a better future, free from violence. Therefore, if understood and applied rightly, they are quite the opposite of retribution and revenge.

## 2.5. Thinking from the perspective of just peace

(73) There is an indissoluble connection in Christian ethics between peace and justice. “Just peace” has been a guiding principle in Christian peace ethics at least since the WCC Assembly of 1988 in East Germany. The understanding of peace ethics – so prevalent during the Cold War, amid the system of nuclear deterrence in the northern hemisphere – was focused on disarmament and the mere avoidance of war. The fundamental goal of a “just peace”, developed as part of the so-called “conciliar process” for peace, justice and the integrity of creation, was set to correct this understanding of peace ethics by tying the challenge of peacemaking to the demands of the South for global economic justice, and to the protection of human rights. The statement published by Germany’s Catholic bishops in 2000 under the thematic title *Gerechter Friede* (“Just peace”) raises that issue to the level of a model for Church work. The EKD, too, used the term in the 1994 points of reference for peace ethics and policy, *Schritte auf dem Weg des Friedens* (“Steps along the way of peace”), and the 2001 interim report *Friedensethik in der Bewährung* (“Peace ethics on probation”), although it has yet to make any systematic exploration of the term.

### 2.5.1. The promise of peace and justice

(74) In the biblical tradition, the unity of peace and justice is part of the promises of God. The Psalms rhapsodise that “righteousness and peace will kiss each other” (Ps 85:10). Under the Messiah’s reign, the mountains will bring peace and the hills righteousness, the oppressed will see justice and the poor will receive help (Ps 71:3 AV; cf. Isa 9:1). It is the prophetic tradition that gave Christianity its vision of a mandate from God to make peace and settle conflicts – a mandate that consigns weapons to redundancy and reveals new ways for the peoples of the world to live together (Isa 2:2-4; Micah 4:1-5). Isa 32:17 says, “The work of righteousness will be peace, and the effect of righteousness, quietness and assurance forever.” In the New Testament, too, Rom 14:17 tells us that the kingdom of God is “righteousness and peace and joy in the Holy Spirit”. Nevertheless, the Bible’s hope that the world will one day be complete in righteousness and peace is not rooted in some historically or philosophically based optimism about “progress”. Expectations that the victory of democracy and freedom around the world would signal “the end of history” with the end of the Cold War have been smashed with the emergence of new civil wars and threats of international terrorism. According to the biblical witness, though, the world will be perfected in righteousness and peace only in the kingdom of God and not through any political order. In that context, then, how far can “just peace” nevertheless serve as an ethical model for political action?

(75) In Christian belief, the ethics of peacemaking (Matt 5:9) has its roots in God’s reconciliation of people to himself and with each other and will see its completion in God’s coming kingdom. The source and the end of peace, then, are beyond the reach of human action, but this by no means makes them meaningless. Rather, the unity of peace and justice as part of the promises of God is significant for peacemaking among human beings because it radically redirects our established understanding of what peace actually is. “Peace” in the biblical sense represents a comprehensive state of well-being: it means restored relationships with other individuals, the community, oneself, the wider world and God – relationships that cannot be manufactured by any human activity but is rather a prerequisite for it. When the Bible talks of peace, it means not simply the absence of war – even though that is one of its effects. For centuries, the understanding of peace as specifically the opposite of war has been linked with the motto “*si vis pacem para bellum*” (“if you want peace, prepare for war”), and has its origin in a notion of peace as a centralized power structure that guarantees security within its borders. But security, understood in this sense, is not the way to reach the promised permanent peace. Because peace is always more than the absence or ending of war, war can never be an adequate means to achieve peace. Thinking in terms of just peace therefore means that the “*para bellum*” motto has to be put aside in favour of the principle, “*si vis pacem para pacem*” (“if you want peace, prepare for peace”).

(76) By establishing an unbreakable connection between peace and justice, the biblical understanding of peace offers a perspective for distinguishing between “true” and “lazy” peace – a distinction first made by the Old Testament prophets (Jer 6:13-14). True peace is traditionally referred to as “the work of righteousness” (*opus iustitiae pax*), after the Authorized Version’s rendering of Isa 32:17. However, “righteousness” (or justice) in the biblical context is not to be understood as merely a potential means to the end of peace, for the relationship between justice and peace is not a simple one of “means” and “end”. James 3:18 sheds more light on the matter: “A harvest of righteousness is sown in peace for those who make peace.” Peace, as a “work” or “fruit” of righteousness, is not an external consequence of some action that can be done independently of peace; rather, the righteous acts that generate peace can themselves only come about in and through peace. As the well-known proverb says, “the journey is the reward”. More precisely, the methods used to achieve peace must fit their purpose; the means must be appropriate to the end.

(77) Peace and justice are each interpreted by the other, for justice in the Bible means more than an abstract rule or a bare obligation. In the Old Testament, “justice” in human relationships describes the faithfulness in community through which God’s creatures reflect the bond of faithfulness to the community that God himself has forged with them. Justice, here, does not mean a standpoint of mere neutrality and impartiality. It is an integral aspect of a practical social solidarity that, like the saving power of God that it mirrors, is preferentially addressed to the weak and the disadvantaged. The greater righteousness spoken of in the Sermon on the Mount (Matt 5:20) is ultimately fulfilled in the command to love our neighbour and even our enemy; its aim is for growing inclusion and universal respect to become a reality in society. It empowers us to honour the equal personal worth of all human beings, regardless of what each person may (or may not) have done, while at the same time taking account of relevant differences between the conditions in which individuals live and the choices they make with their lives. In this sense, righteousness can be seen as a virtue – a quality and an attitude that a person has. Nevertheless, it is not a virtue that we can produce of ourselves, but owes its existence to the promise of God: it is a non-self-righteous righteousness (Rom 3:28). A non-self-righteous righteousness of this kind will be careful to take on board the legitimate needs and interests of others as well.

#### 2.5.2. *The elements of a just peace*

(78) The practical application of just peace is a distinguishing feature of the worldwide Christian community, yet it is not something that will be shared at its greatest spiritual depth by all humanity, nor can it replace practical peace policy. However, it does converge well with a multidimensional concept of peace that *can* be introduced as a socio-ethical model to the political task of pursuing peace:

(79) Just peace serves the maintenance and development of human life. For this reason, every element of it must be based at all times on respect for equal human worth. The Christian understanding is that human beings’ worth is inherent in the fact that they are made in the image of God. That is to say that we are called into a relationship with God where we act both as representatives of God and as responsible subjects. Those who give other grounds for the worth of human beings can also agree with the implication that the dignity of human life demands, at a very minimum, protection from humiliation – that is, establishment of the social conditions necessary for self-respect. Respect for human dignity therefore requires more than merely respecting human life: at the very least, it means protecting all individuals from arbitrarily unequal or discriminatory treatment, respecting their position as persons with rights under the law, ensuring that their material and social conditions at least meet the minimum subsistence level and empowering them to freely choose a way of life that will provide them with opportunities to take part in the life of society.

(80) The biblical view supports the idea of peace as a process. Peace is not a state (neither the simple absence of war nor even the end of all conflict) but a societal process of ever-decreasing violence and ever-increasing justice – justice here being understood in terms of political and social justice, that is, as a normative principle for social institutions. Processes that promote peace both within and between states share certain characteristics: they foster the *rejection of the use violence*, the *promotion of freedom and cultural diversity* and the *alleviation of want*. Peace does not mean merely the absence of violence; it aims at enabling a just coexistence. This kind of just peace is the ultimate goal of political ethics. As we move towards this goal, the steps we take to make peace are just as important as those we take to establish justice. However, the demands for peace and those for justice must not be allowed

to obstruct each other. Where this does happen, attempts must be made, through unilateral concessions and other confidence-building measures, to overcome such obstacles, in order that measures for peace and measures for justice should be mutually facilitating, encouraging and promoting.

(81) One essential element of a just peace is avoidance of and *protection from violence*. Within states, the deprivatization of violence thanks to the state's monopoly of force has been one of the great civilizing achievements of the modern age. Whenever the state's monopoly on violence breaks down and non-state actors are able to obtain arms, such as in the recent civil wars, we see regression to a situation like that which existed before the rise of the nation state. However, the situation of near-anarchy that forms the political reality of relations between states has yet to be overcome, despite the fundamental prohibition of violence laid down in the United Nations Charter (Article 2.4).

(82) A just peace involves more than mere survival. It encompasses a certain level of quality in human life, a life of dignity; for this reason, it presupposes the *promotion of freedom*. The Christian understanding of human nature favours a positive conception of freedom – freedom for communication and cooperation. Peace with freedom means the chance to live our lives together protected from violence and oppression, the chance for people to exploit their own potential and skills to make decisions for the good of their communities. Without a commitment to the protection of freedom, the state's monopoly of force, too, would be nothing more than arbitrary power – the law of the strong. At the domestic level, democratic countries under the rule of law have managed to rein in the monopoly of force through the law, keeping it in check by means of the separation of powers, restricting it through the protection of fundamental freedoms and opening it up to democratic involvement. A similar task lies before us at the level of international relations: to replace the law of the strong with the strength of the law. An adherence to the rule of law in international relations similar to that observed within individual states must include guarantees for human rights.

(83) Throughout human history, poverty has always been a spark for violent conflicts. Competition for scarce resources is one of the most common causes of armed clashes. Two things are necessary for the alleviation from want: firstly, the natural resources necessary for human life must be protected; and, secondly, injustices in the distribution of material goods and access to those goods must be minimized. Peace within a society is jeopardized when there is no policy for active social equality; similarly, the peace of the world depends on our ability to correct socio-economic disparities.

(84) A just peace based on the equal personal worth of all human beings cannot be sustained without *recognition of cultural diversity*. This is especially true in a world where an increasingly complex web of international personal and media contact is broadening the availability, and the direct importance for our coexistence, of knowledge about the conditions in which other people live, for this recognition can make it possible to install a stable, calming sense of self-worth. If our concern for ourselves is mingled with empathy with the lives of others, constructive solutions to conflicts rooted in identity can be found. In today's social and cultural pluralism, we have no choice but to make every effort to live together in equality. To this end, universally accepted rules of dialogue and a culture of constructive debate must be developed.

### 3. Just peace through law

(85) Realizing the ethical vision of a just peace depends on the existence of law. Its implementation must therefore be achieved through institutions, rules and procedures within an internationally agreed legal framework that complies with the standards of peace ethics. Ethics can no more replace law than law replace ethics. Even international law cannot replace peace ethics; rather, any peace ethics must always be brought to bear on international law. An ethics of international law is first of all necessary to ensure that international legal standards and institutions reflect their moral values. Secondly, it is needed to enable consideration of the moral conflicts that can arise through legal loopholes, interpretive grey areas, or conflicting international legal standards. Thirdly, an understanding of how international law is grounded in ethics and fundamental liberties is necessary because its interpretation and development rely on a conception of the form it aims for and ultimately should take.

#### 3.1. Preconditions for a world legal order based on peace

(86) A worldwide just peace cannot be achieved within a world order composed of entirely mutually independent political units – that is, fully sovereign states that reserve the right to make war on each other and the right to non-interference in their own internal affairs. As long as states continue in this relationship of latent anarchy towards each other, peace will always be under threat, be it through an unstable balance of power or through claims of hegemony from a military superpower that considers itself above the principle of legal equality between states. Conversely, the project of creating a world government (as the ultimate development of bringing states together in one common, universal political order at a global level) is neither realistic nor likely to engender peace: it was Kant who predicted that a world government could not take account of the cultural diversity and political self-determination of nations and would run the risk of degenerating into a world dictatorship. Nevertheless, the existence of rights belonging to each of the world's many states morally entails that those states in turn each respect the rights of the other. The ultimate goal for achieving just peace is an international order established on a basis of cooperation rather than world government. The way to bring about a cooperative world order of this kind is through global and regional institutions – in particular, international organizations and bodies of international legislation. Among other aspects, these institutions contribute towards strengthening policy coordination and providing a legal framework for international relations so as to promote a sustainable interdependence between nations. It is through this approach that the major tasks of peace policy must be tackled – protection from violence, guaranteeing of human rights, dismantling of social injustices, and facilitation of cultural diversity.

##### 3.1.1. *Collective security*

(87) A legitimate solution of the security dilemma can be found through a system of collective security such as that provided for in the UN Charter. Such a system takes the form of a legally established agreement between states, whereby the use of force is prohibited except for self-defence in emergency situations, and under which action to protect individual states and the international legal order must be undertaken jointly by the member states under the direction of a supranational court of arbitration. A collective security system is not like a defence alliance, directed against potential attacks from outside: its effects are to be internal. In a fully developed collective security system, every member is supposed to be protected from every other member because each member protects the others from potential attackers within its own borders. There are at least three reasons that such a solution to the dilemma of

security between states can be justified in terms of peace ethics. Firstly, it is in the best interests of all parties. Secondly, it does not focus exclusively on military solutions but instead prioritizes civil mechanisms of crisis prevention and conflict resolution. Thirdly, it aims only to guarantee the external conditions that need to be in place before it becomes truly possible to establish a just peace.

### *3.1.2. The universality and indivisibility of human rights*

(88) Human rights are the practical manifestation of that political justice by which a world legal order based on peace must orient itself. They are an expression of the position that all human beings, simply by their humanity and irrespective of their biological, social, cultural and individual differences, have certain moral rights that must be recognized and which any legitimate legal system must guarantee. The often heard claim that human rights are culturally determined is put into perspective when we realize that demands for the recognition of human rights (however those rights may have emerged in the European context) are born out of experiences of fundamental injustice. Every human being anywhere on earth who suffers because of torture, starvation, or discrimination on grounds of skin colour, sex or religion, or who is prevented from exercising political self-determination, knows all too well that, cultural boundaries or no, certain elementary rights must be guaranteed to protect against humiliation and defend the dignity of all individuals. Furthermore, human rights are indivisible in terms of their content: civil rights protect life and individual autonomy against state interference; political rights form the foundation for equal participation in political decision making, which in turn serves to maintain and shape private freedoms; in addition to these, rights of social participation are also needed to make political involvement possible. Freedom, equality and participation are thus all integral aspects of one and the same human rights concept. The universality and indivisibility of human rights do not, however, mean that we cannot be sensitive to context when applying them as laws in the real-world situations of particular legal cultures, each of which is unique.<sup>12</sup>

(89) The protection of human rights depends on the presence of a state monopoly of force governed by the rule of law. If the state monopoly of force cannot be checked because the rule of law is absent or too weak, that monopoly becomes a problem in itself. Amid the concerted international efforts to establish a world order of peace on a basis of cooperation, human rights should not be interpreted as cosmopolitan civil rights for a one-world state. Certainly, the protection of human rights cannot be left to nation states alone; the obligation to prosecute and punish severe human rights violations through a judicial process goes beyond national borders. Nevertheless, the human rights card should not be played too hastily against the principle of the equal sovereignty of all states. The law of state sovereignty benefits more than just states and governments: it is – or it should be – a way of protecting the self-determination of a politically defined society and guaranteeing its ability to develop freely. The traditional principle of non-interference in the (internal) affairs of another state also serves to protect the sovereignty of national communities as they develop their own democratic political relations. Human rights are vital for democratic self-determination and vice versa. Human rights cannot be imposed without relation to the national communities represented by states, but must be implemented within and through them.

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<sup>12</sup> Cf. *Menschenrechte im Nord-Süd-Verhältnis: Plädoyer für einen selbstkritischen Dialog* (“Human rights in North-South relations: a plea for a self-critical conversation”), a Statement of the EKD Advisory Commission for Church Development Services on the occasion of the World Conference on Human Rights in Vienna, June 1993, EKD-Texte 46, Hanover, 1993.

(90) The human rights dimension of a world order of peace is not limited to states and national courts. The world that was once the domain of classical international politics is now influenced by many different actors – primarily big business, but also the mass media, non-governmental organizations, religious communities, churches and church federations, trade unions and other large associations, along with a multitude of other civil groups. The social sphere has been freed from the dominance of nation states, and spaces of transnational interaction have emerged. Yet there are two sides to this process. On the one hand, powerful business interests have yet to be subjected to effective international monitoring, and international economic activities are not yet fully transparent and legally accountable. Furthermore, the last 15 years have seen a multiplication in the number of violent conflicts involving non-state actors. On the other hand, however, the emancipation of the “world of civil societies” from the world of nation states opens up new opportunities. Churches, human rights organizations and other actors in civil society are contributing significantly to facilitating the emergence of an ethically sensitive international public and the promotion of democratic structures, as well as enabling conflict prevention and resolution on behalf of international organizations.

### *3.1.3. Transnational social justice*

(91) The fragmentation of the international community is not only political. The world is also marked by massive inequality in respect of the distribution of wealth. Extreme poverty, which afflicts 1.2 billion people in underdeveloped societies, presents a massive challenge for the hope of a just peace. A legitimate order of world peace is unthinkable without at least a degree of social – that is, distributive – justice.

(92) How this idea should be put into practice in the international community, however, is a contentious issue. Some parties in the ethical debate over transnational justice despair of ever seeing the concept of distributive justice expanded from the domestic to the global scale. They point to an absence of the institutionalized forms of social cooperation needed to make it possible to identify the goods to be shared, the legitimate demands of the partners in cooperation and those to whom the demands are addressed, for sharing is only possible where there is cooperation. On the contrary, they argue that current global trade and production relationships do not constitute a universally recognized system of cooperation among the citizens of the world for their mutual benefit because they trap poorer countries in a position of socio-economic disadvantage. This means that the current world situation must be described as a framework for *injustice*. Furthermore, Christian ethics says that people have a right to certain goods simply because of their equal worth as human beings, not merely because they happen to be partners in a mutually beneficial exchange of services.

(93) Other voices in the debate see distributive justice as an imperative for all citizens of the world, regardless of their membership in any particular political union. From this imperative they derive rights and duties that transcend national borders and that seek the maximum well-being of every citizen of the world. Consequently, they believe that compensatory transfer payments should be made for as long as it takes to lift the most disadvantaged people in all societies up to equality. However, this view does not take account of those causes of underdevelopment, poverty and illiteracy that are rooted in the internal structures of the affected societies themselves (government failure, clientelism, corruption and so on), or of factors associated with the asymmetrical power relationships of the world market.

(94) Christian ethics holds that the rights that derive from universal human dignity require that local social and cultural contexts be taken into consideration. Safeguarding life with

dignity entails more than protecting physical survival; its primary meaning is to ensure the chance for a self-determined way of life and the minimum necessary material resources to achieve this. The concept of worldwide distributive justice must therefore be understood as relating to basic needs: that is to say, global distribution measures should be judged by whether they can supply individuals with the resources they need to feed themselves, secure long-term accommodation, and (within the constraints of their own social, cultural and political milieu) provide adequate opportunities for self-fulfilment. Morally, then, it follows that there is a human right to development that is valid for every single individual. “Development”, in this context, means a process whereby individuals can build their capabilities to improve, on their own initiative, the circumstances in which they live. This universal moral right of every person directly requires every other person, as far as is possible and reasonable, to make at least some contribution to reducing hunger and extreme poverty. Yet the common duty to help cannot be limited to acts of individual charity and the mutual exchange of assistance. Instead, it must include the establishment of institutions with collective responsibility, for it is these that can provide the most effective help for a capability-approach to justice.

(95) From an institutional point of view, the approaches that should be strengthened are the ones that aim to make the right to development into an integral component of the indivisible corpus of human rights under international law. Under such an approach, *primary* competency for the right to development lies with the people in the developing societies themselves, in their role as citizens of their respective countries. It is they who bear the chief responsibility for taking the political initiative to establish a legitimate, participative societal ground structure that can guarantee food, medical care, social security, basic education and a sustainable economy. *Secondly*, the right to development obliges states to practise good, responsible governance. However, justice at home cannot be achieved in an external context of injustice, control and dependency. If it is true that the present system of political and economic dependency is itself the cause of the affluence of the rich countries at the expense of the poor, and if it is true that those rich countries (once again at the expense of the poor) are consuming a disproportionate amount of the world’s natural resources, then a collective duty of justice rests on those wealthy societies to ensure transnational socio-economic equity. Further legal work therefore needs to be done on the right to development in order to establish a duty upon the world’s well-structured, wealthy societies to help to bring the most disadvantaged countries to a position where they are free members of the community of nations *and* are enabled to supply their citizens with the essentials that make a life of dignity and self-respect possible. To achieve this, however, the most important task – even more important than the political duty of development assistance that “helps people to help themselves” – is to reduce current inequalities in the balance of power and in the availability of material goods. An international legal order must contribute to this goal by guaranteeing minimum standards of social security, establishing fair relationships of cooperation and strengthening the leveraging power of developing countries at international economic and financial institutions. To reach this goal, the populations of the industrialized nations will need to be far more aware – and, indeed, willing to be more sparing – in their use of natural resources.

#### 3.1.4. *Enabling cultural diversity*

(96) Two-thirds of the nations of the world are home to at least *one* significant ethnic or religious minority that comprises 10 or more per cent of the country’s total population. However, some 900 million people (one in seven throughout the world) are subjected to some kind of discrimination on grounds of their ethnic, racial or religious identity. At the same

time, globalization in its present form tends towards creating a uniformity in the way people live, and a loss of cultural diversity. But every piece of cultural heritage that is destroyed – particularly the continuing loss of languages – stirs up feelings of impotence and aggression. This is a problem for people in wealthy countries as well as those in developing and newly industrializing countries. The protection of diverse forms of cultural expression, which is the aim of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of October 2005, is therefore an important building block for the peaceful coexistence of all societies.

(97) In its *Human Development Report 2004*, the United Nations Development Programme (UNDP) also calls cultural liberty a fundamental human right and a necessity for peaceful social development in the twenty-first century. The Report starts from the assumption that all people have the right to preserve their own ethnic, linguistic and religious identities. Policies must therefore firstly respect these cultural and religious identities, insofar as they are compatible with individual human rights, while also, secondly, recognizing that communities thrive on intercultural dialogue and therefore have to have the opportunity to communicate with each other face to face.

### 3.2. “Law-abiding force” instead of “just war”

(98) Law must be enforceable. Within the concept of an order of peace based on the rule of law, extreme situations cannot be ruled out in which the question would arise of when the use of force were, at least, permitted – even if not used – and what the ethical criteria for such force would be. Since ancient times, ethicists and legal philosophers have considered the problem in terms of the “just war theory” – a teaching that has also been absorbed by Christianity. A “just war” is a very different thing from a “holy war”. A “holy war” included a religiously motivated and authorized decision to exercise organized, collective violence against “unbelievers”, whereas “just war” teachings were more political and ethical in nature: they set out universal, common-sense criteria to assess whether the use of military force may be morally justified in a given situation. The Reformers in particular made a distinction between God’s two ways of ruling in the world (*regimentum*) – the spiritual and the secular. This helped to prevent the use of force, even where it was justified to protect coexistence in secular society, from becoming confused with “holy war” fought on religious or ideological grounds, and hence also condemned all religious wars and military engagements justified on ideological grounds.

(99) Those who would not call themselves categorical pacifists (who would always reject the potentially deadly use of force in every conceivable situation), but who start from a position of preferring the non-violent option, will, like proponents of the “just war” concept, ask searching questions when faced with an extreme emergency in which they have to consider the use of force. Are there adequate grounds for using force? Do those who are resorting to force possess adequate legitimacy? Is their goal justified? Are they not answering one evil with another, greater one? Is there hope for victory? Is the proposed level of force proportionate? Will the innocent be spared? These are precisely the criteria that were traditionally cited in the just war theory – divided into questions relating to the right to make war (*ius ad bellum: iusta causa, legitima potestas, recta intentio, ultima ratio* and the proportionality of the outcome) and the lawful way to make war (*ius in bello: the proportionality of the response and the principle of distinction between combatants and civilians*). The ultimate aim of these principles was to discipline rather than to promote belligerence. But there are principled objections, not to these questions in themselves, but rather to the overarching theory of the “just war” in which they were set. For “just war”

theories emerged from a political context in which there was neither a legally established court for the enforcement of law between nations, nor today's proscription of war.

(100) The “just war” concept was developed within the paradigm of natural law, and was able to justify military action using an asymmetrical judge-offender model of relations — that is, as an act of just punishment against a lawbreaker in order to re-establish peace. It could do this because it was possible to presume that concrete measures to dispense justice would be recognized as universally binding within Christendom. As early as the Reformation, this homogenous conception of what constituted the common good was breaking down, and the Reformation responded to this: Luther strictly limited the possible grounds for war to self-defence against an attack that was actually under way. Moreover, on close examination, the German text of the much disputed Article XVI of the Augsburg Confession of 1530 makes no mention of “*gerechter Krieg*” – “just war” – but in fact permits participation in “*rechtmäßige Kriegführung*” or “lawful war”, as a corollary of Christian responsibility to the world, as long as this does not contradict the conscience bound by God's word. The Article starts by stating that it is *permitted* (“*liceat*”) for Christians to bear civil office within a legitimate civil order – that is, it is in principle “no sin” to do so. The lawful use of military force (“*iure bellare, militare*”) is given here as one of several examples as ways in which Christians are free to participate in the civil order of a society. It states secondly that Christians are *required* to obey public magistrates and laws “save only when commanded to sin”.<sup>13</sup>

(101) The classical understanding of international law in the Modern Era as the law that applies between nations (*ius inter gentes*) dismissed as unanswerable the question of what constituted a pre-eminent, material justification for the *ius ad bellum*. The freedom to wage war was at that time the cornerstone of unrestricted, equal state sovereignty, meaning that in principle a “just war on both sides” (*bellum iustum ab utraque parte*) could be imagined. By contrast, contemporary international law has turned the principle of proscribing war (a concept developed as long ago as the inter-War years of the last century) into a universal prohibition of force (Article 2.4 of the Charter of the United Nations) and, consequently, introduced the norms that demand restraint in the waging of war (*ius in bello*) into the body of international humanitarian law on war. The collective security system set in place by the UN Charter recognizes only two exceptions to the basic prohibition of military force: first, authorization by the Security Council, which itself may, under Chapter VII of the Charter, choose to deploy military force alongside non-military sanctions; and, second, the right of self-defence held by any individual state or group of states under armed attack. This latter is, however, only a provisional, subsidiary right in cases of emergency, until such time as the Security Council itself takes steps to restore peace (Article 51 of the Charter). States retain the right of self-defence only as a last resort; the analogy with personal self-defence or defence of others in desperate situations, far from lessening the fundamentally unlawful character of violence between states, in fact re-emphasizes it.

(102) Contemporary international law has superseded the concept of the “just war”. There is no place for the *bellum iustum* doctrine in a model whose goal is a just peace. However, this does not mean that we ought or need to reject the moral criteria that the *bellum iustum* model employed. For underlying these criteria are principles that can be applied not only to cases of war but also (on the basis of the fundamental idea of individual self-defence or defence of another) to police law, to the exercise of the right to resistance within a state and to legitimate struggles for liberation. These principles are grounded in the *universal principles for an*

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<sup>13</sup> [German version is] BSLK 70,7-71,26. [English from the Internet.]

*ethics of lawful force*, which may be formulated, regardless of the context in which it is deployed, as follows:

- *Permissible causes*: the use of force may be permitted to oppose the most severe forms of violent attack, where human rights and universally recognized justice are under threat, for the protection of life, and the strength of universal law must not be left defenceless against the “law of the strong”.
- *Authorization*: the banner of resistance may be taken up only by those competent to act in the name of the universal interests of all those potentially concerned; forcible resistance must therefore always be subordinate to the rule of law.
- *Right intention*: force may be used only in defence against a present, evident attack; it must be constrained by the goal to (re-)establish conditions for peaceful coexistence and its execution must be planned with that aim in mind.
- *Ultimate resort*: the use of violence must be necessary as an ultimate resort; that is to say, all effective peaceful means of conflict resolution must have been exhausted. The “ultimate resort” criterion does not necessarily mean *chronologically* last; rather, it means that, of all appropriate (i.e. effective) measures, the least violent is to be preferred in every case.
- *Proportionality of consequences*: the harm done through the first use of violence must not be responded to by infliction of even greater harm; consideration must here be made of economic, social, cultural and environmental, as well as political and institutional repercussions.
- *Proportionality of means*: the force used must, on the one hand, be appropriate – that is, in all likelihood adequate to achieve success in allaying the threat or ending the conflict; on the other, the scope, duration and intensity of the methods used must be designed to limit suffering and damage to a necessary minimum.
- *Principle of discrimination*: persons and institutions not directly implicated in the first use of force should be spared.

(103) In the traditional understanding of morality, *all* of these criteria have to be met for the use of forcible resistance to be legitimate, whether it is a matter of domestic resistance, a struggle for liberation, or a military conflict between nations. However, even where all these criteria do appear to be met, it remains problematic and ambiguous from the viewpoint of Christian ethics to speak of a “justification” of the use of force. In any situation where the responsibility for our own or others’ lives forces us to take actions that will themselves endanger or destroy life, not even the most careful assessment of consequences will free us from the risk of incurring guilt.

### 3.3. Limits of the law-abiding use of military force

(104) In the context of contemporary international law, military force may be authorized only as a kind of international police action under the rules of the UN Charter. This is because the UN is the only international organization that, from the range of its instruments and the

breadth of its membership, can claim universality. However, international law now finds itself in a transitional stage between being a law governing purely the relations between states – from which it emerged – and a law for world citizens, covering all of humanity – which must remain its regulative idea. This in-between position, especially in the face of today’s new threats, has resulted in regulatory gaps and interpretive grey areas regarding when the use of force is justified and legitimate. These demand ethical and legal clarification. The greatest controversy surrounds the subjects of interpretation of the right to self-defence (and the means permitted for that end), military intervention on humanitarian grounds to defend against serious human rights violations, and the criteria for such humanitarian armed military actions across national borders.

### *3.3.1. Limits of the right to self-defence*

(105) Since the terror attacks of September 11 2001, the question is increasingly being asked as to whether the right to self-defence, conceived of in the UN Charter as a subsidiary, provisional right to be exercised in cases of emergency, needs to be radically reinterpreted. For instance, the United States’ National Security Strategy of autumn 2002 (revised in 2006) ranks the continuing “war on terror” as an act of self-defence, claiming a right of independent national sovereignty which includes pre-emptive strikes as well as preventive wars, and does not even rule out the first use of nuclear weapons.

(106) One argument put forward for this is that the traditional rules of international law are tailored to deal with conflicts between states and are therefore in need of readjustment in the face of the new threats from “rogue states” and non-state actors. However, there are problems with this assessment from the start: the UN Charter forbids not only conflicts between symmetrically armed national forces but also indirect violence such as states’ participation in the use of force by non-state paramilitary groups such as rebels, partisans, mercenaries and so on. The prohibition of force therefore covers not only military action abroad by regular forces: no state in the world may assume the right to use force – neither through its support or toleration of non-state actors nor through its own forces. Indeed, the global fight against terrorism falls to a very large extent within the scope of UN legal instruments on security. Combating terror is not a legitimate goal of military action beyond actual self-defence; it is part of the fight against international crime. States have a duty to take police and judicial action against terrorist groups and individuals operating in their territory, not least by cutting off sources of funding for terrorist activities. This is another context in which it is vital to go beyond appeals for cooperation to develop effective criminal penalties and establish an international criminal jurisdiction.

(107) Another argument appeals to the need to anticipate and deter threats: it is claimed that the traditional deterrence strategies that follow from the right of self-defence are not sufficient in the face of international terrorism and the states that support it, as they ultimately presuppose an enemy that is risk-averse and susceptible to rational calculation. Faced with an unpredictable enemy and in a world where weapons of mass destruction are proliferating and the time available to react to an attack is extremely short, the potential victims of such an attack cannot be expected to wait for proof that it is coming. Against this argument, which blurs the fine line between (illegitimate) wars of aggression and (legitimate) acts of self-defence, we must hold fast to this: both traditional ethics and international legal definitions deem the first use of armed force to constitute lawful aggression only where it is a response to a clear, present and imminent attack. Hence, this exception, in which the first use of military force may be covered by the right of self-defence, justifies neither anticipatory

strikes to ward off threats that are as yet ill-defined, nor preventive wars against threats that are far off in either distance or time.

(108) Limits for legitimate self-defence need also to be drawn in respect of an ethics of means. Major ethical and legal problems are raised by the existence of weapons of mass destruction (nuclear, biological, and chemical weapons), which by the nature of the way they work are designed to kill and destroy indiscriminately. There are international conventions banning the development, production, storage, and use of biological and chemical weapons. With regard to nuclear weapons, the International Court of Justice in the Hague issued an Advisory Opinion in 1996 ruling that the threat or use of nuclear weapons is in general against international law; however, it left open the question of whether the threat or use of such weapons could be acceptable in extreme situations of self-defence, where the very survival of a state was at stake (International Court of Justice Advisory Opinion on the Legality of the Threat of Use of Nuclear Weapons, July 8 1996 [IC] Reports, 226).

(109) Ethical judgements about nuclear weapons have always been controversial in German Protestantism. Yet faced with the system of nuclear deterrence that emerged between NATO and the Warsaw Pact following the Second World War, the peace ethics of most West German Protestant churches recognized “participation in the attempt to safeguard peace in freedom by the presence of nuclear weapons as still being a possible Christian way of acting today”.<sup>14</sup> However, even then, two conditions were applied to this position, which was first put forward in the Heidelberg Theses of 1959. Firstly, it was understood to be a temporary stance until an effective nuclear disarmament process could be set in motion; following the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) concluded in 1968, this did not seem an impossibility. Secondly, the position originally related to the doctrine of mutual deterrence whereby any nuclear attack would be met with an equivalent reaction, in hopes that this threat would prevent a large-scale nuclear war. In the 1980s, as more and more scenarios were simulated in which nuclear weapons would be used, either alone or in conjunction with conventional weapons, and the resultant arms race gathered speed, those in the Protestant church who believed that the whole spirit, logic and practice of nuclear deterrence were incompatible with Christian faith began to make their point more and more forcefully. Even if one does not see the existence and maintenance of nuclear weapons as a problem for faith directly but “merely” as one of practical common sense, one has to admit that today, although the NPT was granted an unlimited extension in 1995, the legislative basis for non-proliferation has since been largely eroded. A nuclear threat will not stop potentially threatening states from producing and storing weapons of mass destruction. During the Cold War, it was assumed that rational consideration of the risks by both sides would protect against the outbreak of a nuclear war. Deterrence requires an opponent who is susceptible to rational calculation, and that can no longer be taken for granted today. In this context, the arguments against deterrence have become significantly stronger. (For the consequences of this for peace ethics and security policy see paragraphs 162-164 below.)

### 3.3.2. *Limits of the collective responsibility to protect in respect of domestic threats*

(110) Since the end of the Cold War, it has become more and more pertinent to ask whether it may be legitimate – either ethically or legally – to use military force not just to secure peace between states, but also to protect the population of another country from grave injustice (so-called “humanitarian intervention”). “Grave injustice”, in this context, means systematic

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<sup>14</sup> Cf. Thesis VIII of the Heidelberg Theses (1959), cited in *The Preservation, Promotion and Renewal of Peace*, a Memorandum of the Evangelical Church in Germany (EKD Bulletin, special issue), Frankfurt, 1981, p. 59-69.

mass human rights violations (and the associated threat to peace). However, we should not be too hasty to justify military intervention on human rights grounds, not least because, while human rights are a universally valid ideal, they are still interpreted and understood in different ways. To make their demand for universal validity a reality requires long-term processes of communication between cultures, which is a job for civilian and civil society. Interreligious and intercultural dialogue have a major role to play in this process.

(111) To subjugate national sovereignty to the defence of human rights is right in principle; it is, however, questionable how far that principle can justify armed intervention. The traditional prohibition of intervention has its roots in the truth that respecting the equal rights of states and their territorial integrity fundamentally promotes peace; it also protects the autonomy of the national community in determining how to formulate its political relationships. Political relations everywhere should respect democracy and human rights, but this respect can only come about when nations are autonomous and self-determining. Recognition of and guarantees for civil, political and social human rights cannot be gained by bypassing the state: rather they must be secured *in, with and through* it. Even the fall of a state into despotism does not justify armed intervention from outside; it is primarily for the members of a society themselves to restore their political freedoms or else carve out a new political order. Nor should military intervention from outside replace internal measures in civil wars and similar internal conflicts, as long as the parties to the conflict are capable of self-defence and are striving for a political, constitutional solution. An exception to the principle of military non-intervention may be made only when a state fails to fulfil even its primary function (that is, to protect the lives of its people and maintain a minimum standard of law), or when the values motivating the parties to a civil war are absolutely incompatible with the maintenance of established legal relations.

(112) *The only permissible causes* for military intervention on humanitarian grounds are present and grave acts of injustice, which prevent a political order from fulfilling its minimum function of keeping the peace altogether, and undermine the very foundations of popular self-determination by jeopardizing or allowing the destruction of the life and health of whole groups in society. A state in which the physical survival of citizens is acutely threatened or in which large sections of the population are collectively disfranchised thereby forfeits the right to respect for its territorial or political integrity. In cases of human rights violations such as incipient genocide, the mass murder of minorities, massacre and persecution of particular ethnic groups, large-scale torture or enslavement, military intervention can be justified as long as the other criteria for the law-abiding use of force (see section 3.2 above) are met.

(113) In particular, there must be *authorization* by the international community – under the rules of the UN collective security system or a regional organization for collective security. Such collective decision-making processes constitute the only way to defend the rule of law against the “law of the strong”; they also provide an opportunity for a fair consideration of all viewpoints. As well as granting authorization, the UN must also monitor the intervention, evaluate it in respect of its declared goal, and determine its duration. The International Court of Justice and other instances of international law must be able to examine the legitimacy of an intervention and its compliance with international legal standards.

(114) There are major qualms to be raised regarding interventions carried out by individual states or groups of states that are not authorized by the UN Security Council but justified extralegally as *emergency intervention*. Emergency intervention at a domestic level is

recognized as legitimate by domestic legislation. This is possible because domestic law operates in a framework where a defined monopoly of force and a judiciary are in a position to prevent any excessive or abusive exercise of the right to emergency intervention. However, this is not the case in international legal relations. Granting individual states a right to so-called “humanitarian intervention” would carry the risk of triggering a return to the days when individual states had the freedom to make war as they wished. If the legal collective security mechanism were to fail because of deadlock in the Security Council (as happened in 1998 with respect to Kosovo, when a tension arose between legality and morality), there would at the very least have to be a very stringent evaluation of whether an emergency military intervention would lead to a strengthening or weakening of the UN Charter’s proscription on war in principle and of the international rule of law.

(115) The intention of an armed intervention must unambiguously be to protect victims from life-threatening injustice, strengthen the foundations of the survival of the state, and restore the conditions necessary for political self-determination for the population of the country in question. The intervention must remain impartial as to the form or content of that political self-determination.

(116) UN mandates should empower the international community to prevent genocide and crimes against humanity wherever they occur in the world, including through the use of military force. However, here, too, as in every other case where force is lawfully used, military force may be considered only as an ultimate *resort*. Even granted that the effective prevention of genocide is a duty upon the international community under the Convention for the Prevention and Punishment of the Crime of Genocide, 1948 (the Genocide Convention), the most urgent need is still to establish national and international preventive mechanisms to respond to these threats in advance. These include: establishing and integrating early-warning systems; imposing economic sanctions; and creating bodies to monitor the implementation of the Genocide Convention like those that monitor human rights Conventions. However, when national courts fail to tackle genocide or other grave violations of human rights, action must be taken. Just as the rule of law is necessary for implementing the “just peace” model, so the law itself, in certain, clearly defined contexts, demands the lawful use of force.

### 3.3.3. *The limits of armed international peace missions*

(117) In recent years, there has been a sharp increase in the commitment of national armed forces in “international crisis resolution” operations that involve the threat or use of military force but that can be justified neither under the right of nation states to defend themselves, nor under the international community’s responsibility to protect threatened populations against excessive violence. (These will be referred to here as international peace missions.) However, this growing willingness to intervene militarily comes at a time of significant scepticism about the power of military means to achieve peace.

(118) Prior experience and the principles of peace ethics and legal ethics outlined above both lend support to the notion that, while foreign armed intervention *as an ultimate resort* should not be absolutely ruled out, the military elements of such operations should be strictly limited to time-bound interventions to secure the external conditions necessary for a home-grown, independent political peace process to take place. Military action must remain only one component of a coherent policy that ultimately rests under civilian authority.

(119) The legitimate primary *objectives* (relating to conflict prevention) are to carry out police observation or contain serious internal violent conflict by means of an international

military presence. Secondary objectives (for consolidating peace after an armed conflict) include safeguarding a ceasefire that has already been negotiated, ensuring that a peace agreement is reached, demobilizing armed forces, and creating a safe space for self-supporting civilian political, economic and cultural reconstruction.

(120) During this process, those living in the area and affected by what has happened must be consulted regularly (*local ownership*). As far as possible, this should include obtaining consent for the external military intervention from the parties to a conflict. In situations where this consensus cannot be reached and/or there is no longer any kind of functioning state, the first question to be asked must always be which domestic actors, political forces, and groups in a society can be seen as carrying the potential to form a legitimate and self-determining state. This goal is not served by creating long-term quasi-protectorates predicated on military force.

(121) Even amid the rising tide of fighting, a military intervention must obtain *authorization* and legitimacy in the form of a clear basis in international and constitutional law. The interests of national politics and regional alliances must not usurp the primary competence of the UN and its regional arrangements.

(122) A reasonable hope of success with respect to armed peace operations can only be based on operations that are part of a comprehensive peace and security policy framework. This requires, *inter alia*, precise definition of the task, the availability of the necessary resources, careful coordination of the various actors involved – national and international, military and civilian – and a realistic assessment of the amount of time needed for political, economic and cultural consolidation (this includes the definition of exit criteria). Since the financial resources required to carry out military peace operations can in some circumstances limit the capacity for economic reconstruction assistance, the *proportionality* of military means also needs to be assessed in cost terms. Furthermore, responsibility must be taken for the burdens and risks this entails on armed forces personnel and their families.

(123) As is already the norm in development policy, military peace operations should always be both accompanied and followed by *evaluation* by independent judicial authorities.

## 4. Political Peace Tasks

(124) Individual state institutions are no longer capable of shaping the process of globalization in the spirit of just peace. What is needed is a political concept that is generally denoted today by the term *global governance*. Underlying this concept is the understanding that it will take the further development of transnational commitment, multilateral institutions, international organizations and bodies of regulations, in order to overcome transnational problems in a cooperative manner. This juxtaposes two quite different concepts of security in the political debate. The first, emphasizing national security, says that states, as guarantors of domestic and foreign security, have a legitimate monopoly on the use of force within their territories. The second is that of “human security”, which places at the epicentre people and societies, who must be protected from violence, poverty and bondage. The two concepts are not necessarily contradictory, although the peace policy measures that relate to them differ in terms of objectives, emphasis, resources and timescales. Peace policy will in any event only be a lasting success if democracy is effectively implemented, civilian conflict management is strengthened both institutionally and materially, and the practice of making civilians a priority when resolving conflict becomes a guiding principle. Supporting and protecting the relevant processes and developments is also a task for Christian churches.

### 4.1 Strengthening universal institutions

#### 4.1.1 *The United Nations as a universal organization*

(125) Founded after the devastation of the Second World War, the Organization of the United Nations, which currently has 192 member states, is the most important global multilateral institution. Its competencies encompass securing peace, protecting human rights, development, environmental protection, and economic, social and cultural matters. Although the United Nations is sometimes accused of failing as an institution, this is above all attributable to the states that are permanent members of the Security Council not being prepared to live up to their responsibility for world peace – such as in the cases of Rwanda, Kosovo, Chechnya, Darfur and elsewhere.

(126) It is fundamental to the work of the United Nations on peace that equal importance is given to sustainable development and poverty reduction, freedom from fear and armed conflict, and the realization of human rights. However, as an organization that is dependent on the contributions of its member states, the United Nations can only accomplish effective work on peace when this is politically mandated and the appropriate resources are made available. The annual regular budget of only about 1.9 billion US dollars represents only a fraction of the amount that its member states spend on defence and armaments, which according to figures from the Stockholm International Peace Research Institute (SIPRI) ran to more than a trillion US dollars in 2007. Despite this very constricted financial framework, even in comparison with other international organizations, the activities of the United Nations have been continuously expanded. “Strengthening” the United Nations therefore also means giving it the resources it needs to realize its comprehensive mandate.

(127) So far as alleviation of want is concerned, hopes for creating a world order that is more peaceful and fairer for wider sections of the world’s population are pinned on the United

Nations. That hope was expressed in the United Nations Millennium Development Goals,<sup>15</sup> which were adopted at the extraordinary summit of the United Nations in New York in September 2000 and strengthened at the 2005 World Summit, also held in New York. The Millennium Development Goals contain a series of time-bound targets, including reducing extreme poverty, hunger, and infant and maternal mortality, and fighting against HIV/AIDS, malaria, and other diseases. If further humanitarian disasters are to be averted, significantly more needs to be done to build up the “global partnership for development” between North and South that was agreed in the eighth United Nations Millennium Development Goal. It is the task of donor countries to ensure solidarity for the financial safeguarding of the Millennium Project that was agreed between North and South, in particular the promises made decades ago to contribute 0.7% of GDP to Official Development Aid and to develop new and alternative funding instruments (e.g. currency transaction tax; international air ticket tax – such as has been applied in France since 2006; weapons export tax; taxation of the use of public goods, etc.). For their part, the governments of recipient countries must ensure good governance, combat corruption, and ensure a more just distribution of wealth within their own countries, in particular with regard to minorities, slum-dwellers and rural populations. Also worth considering in this connection is the concept of an international insolvency law for states. The practice of the Economic and Social Council of the United Nations should be evaluated and rapidly developed as the central forum for development cooperation – including the implementation of the agreed development goals. However, this can only succeed if, at the same time, poverty reduction and economic and social development are also given increased consideration as a universal cross-cutting challenge in the work of the World Bank, the International Monetary Fund, and the World Trade Organization. The legal mandate of the United Nations is comprehensive. Thus, membership in the United Nations encourages all Governments of the World to fulfil their obligations under the United Nations Charter (Article 103). UN values and norms are of fundamental importance, including in the context of the activities of currency, financial, and trade organizations, and it is the task of governments to ensure that the activities of such organizations correspond to and are consistent with peace policy.

(128) When it comes to *promotion of freedom*, priority must be given to respect for human rights and the rule of law. Improving observance of human rights worldwide and an appropriate commitment in the field of conflict prevention and crisis management requires the Office of the United Nations High Commissioner for Human Rights to be strengthened, including financially, as has been agreed. Just as urgent is protecting the independence of that Office. The newly created Human Rights Council will be able to operate effectively only if its members convincingly seek improvements in the human rights records of other states, but also in their own countries, and strive for genuine recognition of universal applicability and indivisibility of human rights.

(129) The United Nations Organization for Education, Science, Culture and Communication (UNESCO) has particular responsibility for the *recognition of cultural diversity* in peace promotion. Since UNESCO’s 1974 Recommendation concerning education for international understanding, co-operation, and peace and education relating to human rights and fundamental freedoms, UNESCO member states have demonstrated their commitment to constructing domestic policy ideas in such a way as to contribute to goals such as the creation of a just peace, respect for human rights and fundamental freedoms, and “the eradication of

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<sup>15</sup> See the statement of the Advisory Council on Sustainable Development of the EKD: *Steps towards Sustainable Development: The Millennium Development Goals of the United Nations* (EKD-Text 81, Hannover 2005).

the prejudices, misconceptions, inequalities and all forms of injustice.” This challenge is no less topical today, in the face of increased mobility and migration and numerous xenophobic attacks and racist offences, including in Germany. A culture of violence begins in the minds of people. Education policy must therefore contribute to understanding of tolerance for and between ethnic, social, cultural and religious groups. Human rights must be anchored more firmly in education and training.

(130) If people around the world are to enjoy *protection from violence*, the improvement of UN-peace-securing mechanisms is vital. In recent years wars may have been averted because the quiet diplomacy, excellent services, and mediation activities of the United Nations helped to make space for negotiations to be held and ceasefire and peace agreements to be concluded. Yet more human lives could be saved if the Secretariat of the United Nations were given additional capacity for preventive activities. In the event of a threat to or a breach of the peace, the United Nations would be accorded global authority for applying binding non-military sanctions (financial penalties, trade embargoes, restrictions on air traffic, weapons, or travel, etc). These instruments must be further improved, however, in the light of the experiences of recent years; they should be refined, introduced in a targeted manner, implemented effectively and appropriately monitored. In addition, consistent adherence to the sanctions and attenuation of the possible negative humanitarian consequences for the civilian populations of sanctioned states and their neighbours will be required. In particular, it is unacceptable for United Nations economic sanctions, as in the case of the Oil-for-Food Programme against Iraq, to lead to the loss of human lives among the civilian population, as a result of the Security Council’s lack of stewardship.

(131) The composition of the permanent members of the United Nations Security Council based on the victors of the Second World War has been criticized for years. A variety of reform proposals have been put forward. Over and above questions about the composition of the Council, of particular importance is how the Council can be controlled according to rule of law standards analogous to a state, in order to strengthen the legitimacy of its decisions. One, still unsatisfactory, approach has already been put into practice: before the pending decision about sanctions against Iraq on account of the suspicion that it was producing weapons of mass destruction, an independent commission was established to investigate the facts. That is, as is the practice in states based on the rule of law, an attempt was made to separate investigation of the facts from their assessment and the implementation of sanctions. It should also be examined whether guilty states or individuals should, as a supplementary control, be able to appeal to an independent authority. If the current monopoly on authorization for the use of force is to become a *legitimate* monopoly, because the publicly controlled use of force should be developed further, the Security Council will need to be reformed so that voting behaviour in substantial decisions must be justified before the world’s public. Moreover, a code of conduct could be designed that would clarify when the permanent members of the Security Council could make discretionary decisions freely, i.e. when they could use their power of veto, and when overriding interest demanded that the right of veto be forfeited (e.g. for the prevention of genocide). At the same time, increased consideration could be given to legal opinions of the International Court of Justice regarding action or non-action by the Security Council.

(132) As the United Nations does not have any troops of its own, it is dependent for peace missions on states providing them. The commitments made, in particular by European states, in the context of the United Nations Stand-by Arrangements System (UNSAS) that has been in existence since 1994, to make forces and resources available on demand for deployment by

the UN, are inadequate. In principle, it seems to make sense to strengthen the regional organizations *in situ*, in order to be able to exercise responsibility for peacekeeping regionally, in accordance with Chapter 8 of the UN Charter. Particularly in the field of care following armed conflict, regional organizations have an important responsibility, because lasting peace and sustainable development in a region will be impossible without their cooperation. As Africa is the continent with the most conflict hotspots, the fundamental willingness of the African Union (AU) to intervene to prevent genocide, crimes against humanity, and war crimes, is to be welcomed. The tragedy in Darfur, for example, demonstrates that, to date, the peacemaking power of regional actors is severely limited.

(133) It is estimated that in around half of all countries where wars have ended, violence will flare up again within five years. Consequently, in spring 2006 a United Nations Peacebuilding Commission was established. The Commission was designed to support countries during the difficult transition from armed conflict to peace, and to help states establish the rule of law in post-war societies. In order to promote the rule of law and the development of a rights-based *jus post bellum*, which above all means strengthening human rights and the criminal prosecution of violent crimes, the Commission requires considerable material resources and personnel as well as strong political will. It is particularly important that the advice of civil society peace initiatives and organizations be incorporated, and that they participate in peacebuilding measures.

#### 4.1.2 Cooperation with non-state and parliamentary actors

(134) In order to stop the globalization of many policy areas and areas of life from leading to a lack of democracy and legitimacy at the international level, actors from the economy, society and parliaments must be involved in the activities of international organizations. Fundamentally, there should be cooperation in the framework of *public-private partnerships*, but only with those non-state actors that can prove their continued and sustained cooperation on the basis of genuine democracy. Within the partnership established by the United Nations Secretary-General in 2000 between the UN and leading companies in the framework of the Global Compact, it is worth ensuring that the companies are honestly trying to fulfil their obligations under the Compact (human rights, environmental and social standards, and the fight against corruption). Otherwise there would be a fear of it being abused, resulting in a loss of reputation for the United Nations. The private sector's awareness of the importance of universal fulfilment of standards must be heightened. The proposed Norms for the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights, adopted in 2003 by the United Nations Sub-Commission on the Promotion and Protection of Human Rights, expanded on the voluntary Global Compact and targeted the tens of thousands of companies that had so far declined to cooperate with the Global Compact. These proposed Norms should be pursued further. This is also vital for the preservation of shared natural resources.

(135) Over the past three decades there has been an increase in the number of national and international non-governmental organizations (NGOs) or – as they now like to be known – civil society initiatives with human rights and social welfare objectives. NGOs actively participated in the big United Nations world summits and have over the past few years developed into important consultation partners for international organizations in setting and implementing norms. Many NGOs – including many church institutions – are striving to limit the arbitrary authority of the state, regularly denounce and promote redress for human rights violations, and offer protection to victims. In order to be able to represent the interests of civil

society effectively, these non-state actors not only need to have at their disposal effective financial means, without losing their independence in acquiring them, but also, must be accountable to the national and international public in order to legitimize their activities. It has been shown that when NGOs work together in coalitions and networks and share their expert knowledge in the framework of conferences and international meetings, the resulting solidarity between networked NGOs can also support weaker NGOs or NGO representatives that are being suppressed by their Governments, and if need be protect them. The political independence of NGOs is important, which is often a problem for NGOs in the South in particular. The rights of participation of NGOs at the UN level should be further developed and the activity of the UN-Nongovernmental Liaison Service, which has provided services to aid the participation of NGOs from the South, should be protected.

(136) One key non-state actor for humanitarian peace work is the International Red Cross and Red Crescent Movement, which as well as its national societies and the International Federation, also includes the International Committee of the Red Cross (ICRC), with its headquarters in Geneva. The latter in particular affords protection and assistance to the victims of armed conflicts in situations where many other non-state organizations have left the country for safety reasons. Alongside its assistance to populations of occupied areas, visits to prisoners of war, provision of information about missing persons, and establishing hospitals, the ICRC campaigns for compliance by warring governments with the Geneva Convention and its implementation protocol. Supporting the International Red Cross and Red Crescent movement is therefore also endorsing the principles of humanity, impartiality and neutrality in armed conflict.

(137) There is also an important contribution to be made to strengthening universal institutions through the development of parliamentary involvement at the global level. The proposals range from establishing global committees made up of members of national parliaments, to a Parliamentary Assembly of the United Nations. Proposals of this kind are fundamentally suited to improving the representativeness of the international system and strengthening the principle of the separation of powers at the global level. Given the many thousands of actors that have a potential interest in cooperation, it must also be ensured that the global organization is workable. Some rights of participation for non-state actors, where they are appropriate, must therefore be clarified with caution, and parliamentary committees must be established at the global level.

## 4.2 Matching Europe's Responsibility for Peace

(138) After centuries of belligerent violence within and colonial expansion externally, after the Second World War in Europe a great peace project was launched – first in the West – inspired by human rights and UN norms and characterized by ever denser economic and civil society exchange processes. Europe demonstrates the positive effect it can have when people come together in diverse, law-based, cooperative relationships. International law principles of cooperation and agreement in Europe and at the global community level have been developed in a particularly sustained way.

### 4.2.1 Organizations at the regional level

(139) As one of the regional organizations recognized by the United Nations under Chapter 8 of the United Nations Charter, the Organization for Security and Cooperation in Europe (OSCE) assumes important functions with regard to establishing the rule of law, early

warning, election monitoring, fighting against terrorism and organized crime, and establishing police cooperation teams. The cooperation promoted by OSCE, in particular in the field of crisis management, seems to be fundamentally suited to having a stabilizing effect. OSCE must operate on a comparatively low budget and with a relatively small number of employees. The particular strengths of the OSCE in cooperating with other organizations should be given appropriate consideration and be expanded.

(140) After the end of the East-West conflict, the North Atlantic Treaty Organization (NATO) no longer defines itself as merely a defence alliance, but as a security organization that, whilst maintaining a security guarantee for its members, has extended the space of European stability through cooperation and the admission of new members. With its troops, command structure and decades of experience in multinational military cooperation, it is also prepared to contribute to international crisis management and peacekeeping measures. However, following the end of the East-West conflict and the disappearance of the threat that united all members, it has been more difficult to achieve consensus about role, strategies and specific operations of the Alliance. Differences of opinion must be tackled more openly and should not be subordinated to Alliance solidarity. In the theatres of operation, such as Afghanistan, it is becoming increasingly apparent that military intervention alone does not bring about peace, economic recovery, and democratic cohabitation, and that the creation of a “secure environment” and reconstruction must be realized simultaneously and not sequentially. Very close cooperation with international organizations, governmental and non-governmental organizations, and local actors is required. A NATO intervention outside Alliance territory (or even worldwide) without a UN mandate does not correspond with the aforementioned requirements for the law-preserving use of military force.

(141) The contribution to peace made by the Council of Europe, as one of Europe’s oldest democratic organizations, is not to be underestimated. The Council of Europe offers the opportunity, on the basis of human rights and the rule of law, to help create a conciliated Europe. In Kosovo, for example, the Council is active in protecting human rights and cultural heritage, election monitoring, expanding local self-government and preventing crime. Together with the European Court of Human Rights, the Council of Europe rules over a well-functioning, binding system for monitoring human rights and fundamental freedoms of around 800 million people, as well as an important instrument for promoting justice. In order to promote the peace policy objectives of the Council of Europe, the Council of Foreign Ministers should in the future make a clear statement whenever member states are contradicting their responsibilities to guarantee human rights and fundamental freedoms.

#### *4.2.2 The European Union as a peace power*

(142) The European Union (EU), which developed out of the European Community that was formed following the Second World War, is an epochal achievement for peace, which in the second half of the last century steered the destiny and harmony of states in completely new directions from before 1945. The EU’s values and institutions, its successful juridical and mediation mechanisms, make it a model for other regions that has steadily greater appeal. Through its acceptance of central and eastern European states it is moving closer – in conjunction with NATO and its concepts of stability transfer through expansion and peace partnerships – to the goal of a free, united Europe. That corresponds to an area, created through the conventional arms control agreement and the Vienna Document on confidence-building measures, of unprecedented transparency and confidence-building in military matters. At the same time, lasting solutions have still not been found to regional internal

violent conflicts (e.g. Northern Ireland, Basque country, former Yugoslavia). Remaining mistrust, in particular regarding Russia's relationship with the EU, must still be overcome.

(143) The incapacity of Europeans to prevent wars on the territory of the former Yugoslavia, and to guarantee a comprehensive "responsibility to protect" in the Balkans, was a particular catalyst for the EU's strengthening its peace policy responsibilities. In the framework of the "Petersberg Tasks", the EU made it clear that it was also prepared to undertake humanitarian and rescue interventions as well as peacekeeping and peace enforcement outside of Europe. The European Security and Defence Policy (ESDP), built on the foundations of the Common Foreign and Security Policy (CFSP), has created the instruments and structures for decision-making processes and the leadership of deployed forces (among others, the Political and Security Committee, the European Union Military Committee, European Union Military Staff, and the Committee for Civilian Aspects of Crisis Management) and has also developed, alongside many other resources, a limited military capacity to act. The EU has already carried out its first operations of various kinds, e.g. in Macedonia, Bosnia and East Congo.

(144) The 2003 European Security Strategy, entitled "A Secure Europe in a Better World", promotes the strengthening of international institutions and democracy and emphasizes the EU's prevention instruments. Until now, however, the process of increasing the EU's military and civil responsibility in the world has been carried out with little transparency for citizens and little say for parliaments. The EU must counter reproaches about the militarization of its policy (e.g. via establishing *Battle Groups*) through transparent, credible representation of their assessment of the situation and their strategies relating to peace policy.

(145) In order to ensure the stability of and support for EU special representatives and missions, the EU emphasizes the link between military competence and police forces, rule of law experts and specialists in civil administration and disaster protection. The use of military force as an ultimate resort in order to put an end to a violent conflict or for the purposes of crisis management is not excluded. EU Battle Groups have been established, each of around 1500 men, with a rapid reaction time for operations to restore peace in crisis regions. A particular problem that must be overcome for the credibility of peace policy has turned out again and again to be the availability of a sufficient number of police. If the European Foreign and Security Policy is to correspond to its declared peace responsibilities, military deployments in the framework of the ESDP may in the future only be agreed and carried out in accordance with peace ethics criteria and democratic norms and will require a mandate from the UN Security Council. Observance of the fundamental principles of international humanitarian law must go without saying. Structures for the effective involvement of European civil society initiatives in civilian conflict management should be expanded significantly and strengthened materially. The development of such structures is urgently needed from the point of view of a comprehensive prevention policy and sustainable peacebuilding; and for the sake of the credibility of peace policy should be kept out of disagreements about the competencies of the EU Commission and European Council.

(146) One of the EU's particular strengths in respect of peace policy is its diplomatic possibilities and civil competencies. "Civil objectives" should therefore be vigorously

developed further. In the framework of the Gothenburg Agenda,<sup>16</sup> the potential of the Global Partnership for the Prevention of Violent Conflict should be developed, above all with a view to European neighbourhood policy, the promotion of “human security”, and cooperation with civil society. In areas of tension and post-war situations, there will be a need for capacity-building for implementation-orientated monitoring with the input of civil society forces on the ground. Sufficient resources must be made available for the prudent expansion of state security forces within regions that have a high propensity towards violence. All the experience of peace interventions to date has demonstrated the need to collect very accurate information on the ground, closely involve civil forces, and be prepared for long-term deployment under clarified political conditions. There is often a need for soldiers and civil forces to cooperate, in a manner appropriate to the situation. Here, as in other EU policy fields, policy should be governed by the systematic evaluation of experience, and especially of implementation.<sup>17</sup>

(147) The EU must help to prevent violent conflict, in particular by addressing the causes of violence. In this regard, at the EU and UN levels, a coherent policy is needed with the objective of just peace and human security. A policy of cooperative security must also include neighbouring states that are not members of the EU, in particular developing a relationship with Russia in which the security of one party is not achieved at the expense of the security of the other. The EU must present its security policy objectives, interests, and decisions convincingly to the wider national and international public. Its assumption of growing responsibility on the global scale must be implemented transparently and with the involvement of the European and national parliaments, in order to avoid “losing” the citizens of Europe, or creating mistrust, in the area of CFSP and ESDP, in the same way as has happened with European identity, legal system or expansion. Establishing the EU as a force for peace is a challenge that will require the attention and support of all the citizens of Europe and in particular of churches. In this regard, many activities at the level of the Conference of European Churches make important contributions.

#### 4.2.3 Roles and Mission of the German Federal Armed Forces (*Bundeswehr*)

(148) For the German armed forces, the changes since the end of the East-West conflict were extremely far-reaching. The mission of maintaining readiness for national defence, close to the border (in combination with allied stationed troops) on its own territory, disappeared. The takeover of the National People’s Army, the creation of the “Army of Unity”, reductions, restructuring, and closures of military bases, occurred under conditions of financial stringency, planning uncertainty, and rapidly expanding deployments abroad. Today, as “armed forces in action” (*Armee im Einsatz*), the Bundeswehr has almost 8000 soldiers engaged in nine peace missions on three continents, and around 200,000 have to date participated in missions abroad. The new priorities, including combating threats such as terrorism at their origin and keeping them “at bay”, emphasize the need for broad public debate about the mandate of German armed forces.

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<sup>16</sup> At the EU Summit in Gothenburg (June 15/16 2001), the EU established sustainability as a criterion on its agenda. Consequently, all promotion programmes must be economically, socially and environmentally sustainable.

<sup>17</sup> We should make explicit reference here to the conclusions of the 5<sup>th</sup> meeting of the 10<sup>th</sup> EKD Synod in Würzburg in November 2006 with regard to the 2007 German Presidency of the EU, which has the heading “Strengthening the European Union as a peace and reconciliation project”.

(149) The reorientation of the Bundeswehr predominantly towards missions abroad raises many serious questions. The shared responsibility of the reunified Germany for peace and security in Europe and beyond is undeniable – on account of its size, geographical location, population size and economic strength – and the expectations on it are obvious. However, this requires an overarching concept for peace and security policy that has so far not been sufficiently apparent in a way that convincingly incorporates military means and participation in military action. The suspicion that participation in deployments abroad are above all concerned with “taking part”, or Alliance conformity, or that foreign policy reaches for the military instrument out of helplessness, can only be eliminated if there is a clear legal mandate from the United Nations, and the reasons, objectives and missions as well as the prospects of success are convincingly set out in terms of peace policy.

(150) Yet experiences to date of military interventions with German participation (Kosovo, Bosnia, Afghanistan) and the situation in Iraq have shown that the rule of law and democracy cannot be imposed on countries with different social structures and historical traditions. Elections organized, protected and monitored at high expenditure by the UN, OSCE, NATO and EU are no guarantee of sustainable stabilization or even of democratic structures. It is true that in war-plagued states development can only be achieved in a secure environment, but if the population does not perceive any economic and development progress, military protection risks becoming an end in itself, and the soldiers of the peace mission increasingly come to be seen as “occupiers”. The international community must assume full responsibility for a country in which it intervenes militarily, and international organizations, non-governmental organizations and multi-national troops must act in a well-coordinated manner. Appropriate criteria are needed for “success” in accordance with “human security”. The simultaneity of war and reconstruction, increasingly to be observed in Afghanistan, can impair progress in development and confidence-building, in particular if considerable losses are deplored among the local population. All this points to the need for developing an overarching concept for peace policy.

(151) Debate is also needed on the extended understanding of “defence” that exceeds current interpretation of Article 87a of the German Basic Law”. Deployments of the German Federal armed forces that go beyond homeland defence, are, on the basis of Article 24 Paragraph 2 of the Basic Law, constitutional only in the framework of a system of mutual collective security. In the light of the ethical, *international law*, and peace policy principles set out here, this is legitimized only in the case of a mission mandated by the UN Security Council. Orientation of the Bundeswehr towards “expeditionary and intervention capability” must comply strictly with the described parameters, and the implications of such an orientation must be made clear to the public.

(152) Furthermore, it is also problematic that the current “transformation” of the Bundeswehr results in prioritisation of deployments abroad. Although the “Defence Policy Guidelines” and the 2006 White Paper replace “national defence”, obsolete in its traditional form, with the formula “protection of Germany and its citizens”, and ascribes great importance to this task, it appears to be inadequately conceptualised yet, and insufficiently present in public awareness. Given denser global interdependencies, it is clear that the objective of protection is no longer served by traditional national security concepts. The relationship between domestic and external security addressed here requires careful clarification.

(153) In its “transformation” the Bundeswehr is being restructured into a response, stabilization, and support force, and this with a tight budget and still considerable expenses

for equipment conceived during the Cold War. Provision of appropriate gear and optimal protection for soldiers deployed abroad continue to be important. Concerning capabilities, equipment, and training, the role of troops in foreign missions, in some regards, has to be defined as between military and police. To this end, a thorough, candid evaluation of experiences in deployment areas is urgently required. Closer attention must be paid to both the changed capability profile and the “prototype of the German soldier”. Increasingly, intercultural competence, mediation efforts, and reconstruction assistance are required of them. It is doubtful whether the same troops are suited for military intervention as for stabilization tasks. Given Germany’s peace policy obligations and its growing “culture of military reticence”, it is not desirable for the Bundeswehr to become as “interventionist” as the forces of some Allies. But also the emergence of a “two-class Bundeswehr” of “fighters” and “reconstruction workers” is to be avoided. Here issues of professional ethics and international law of war *are posed as well as* particular training challenges – not least concerning the approach to private military companies (see below, chapter 4.3.3.) and non-governmental organisations in theatres of deployment. Investigations of serious misconduct, including by members of UN peace missions, show the extraordinary importance of cultural and ethical sensitivity.

(154) The ethically, historically and legally founded concept of *Innere Führung* (leadership development and civic education) is a great accomplishment, and in 50 years has become a quality hallmark of the new German armed forces. The model of the “citizen in uniform”, the primacy of politics, the protection of fundamental rights, freedom of conscience, command authority and duty to obey, the integration of the armed forces into the democratic system, an organisation of the service that respects human rights as well as modern leadership and time-sensitive human management – all these have been extensively realized in the Bundeswehr. Nevertheless, cases of offence – including by superiors – described in the annual Reports of the Commissioner for the Armed Forces of the German Bundestag — underline the need to continually practice the principles of *Innere Führung* and to watch over their observance through rigorous supervision. Under the new conditions of multinational missions and the associated striving for “interoperability” — i.e. the capacity for military cooperation, in the light of different military legal systems — the principles of *Innere Führung* must not be abandoned, qualified or levelled. Rather, they should, also for multinational forces, be seen and presented as showing the way for appropriate conduct. One aspect of *Innere Führung* that gains weight in the face of the missions abroad is social welfare, and this in many respects: care for the families back in the garrisons, care for soldiers returning from missions, in particular from those with very onerous events and experiences, support for injured and particularly permanently disabled soldiers. Military chaplain service makes a decisive contribution to ensuring that soldiers and their families receive competent and qualified comfort and support in difficult and challenging situations

(155) Universal conscription subjects citizens covered by it to a unique compulsory duty, including at worst to lay down their lives in combat. Conscription encompasses such grave infringements on fundamental liberties, above all the elemental right to life, that a democratic constitutional state only exacts it from its citizens if it is exclusively related to the task of national defence and for this purpose required by security policy. For that reason, the Bundeswehr rightly deploys to missions abroad only professional and enlisted soldiers as well as extended-service conscripts. If universal conscription is to be maintained in the future, two considerations will have to be taken into account: first, there must be fairness in call-ups for military service, to be perceived as just; secondly, a design and organisation of military service which offers good training, provides adequate equipment and conveys the

sense of being needed. Both these considerations are of critical importance for continued societal acceptance of conscription .

(156) On all these issues a broad public discussion is required, and parliamentary debate not only at the topical occasion for the prompt initiation of a mandate extension for the deployment of troops. An inquest commission on issues of German security policy would be useful for this purpose. But even within the Bundeswehr there is little such discussion, even though these issues are central for the self-understanding of an “army in action ” and are closely related to aspects of legality and legitimacy, the legal security of soldiers, and their political backing during missions abroad.

#### 4.3 Reducing arms

(157) During the Cold War there was a long-standing debate as to whether disarmament or peace should come first. Those who believed that a comprehensive peace arrangement must come first argued that the classical security dilemma of states could only be overcome in the context of a cooperative relationship and common security. Those who promoted immediate steps towards disarmament claimed that the ongoing development of arms technologies within states set in motion independent political and economic forces driving an internal arms dynamic, the results of which appeared threatening to the other side. As early as 1945, the Charter of the United Nations provided its answer to the question of which should come first: Article 26 stipulates “the Security Council shall be responsible for formulating [...] plans to be submitted to the members of the United Nations for the establishment of a system for the regulation of armaments.” During the Cold War, the Security Council did not consider itself to be in a position to fulfil this task. Significant steps towards disarmament began shortly before the end of the Cold War, in the mid 1980s, and continued in the 1990s. Since the turn of the century, this positive trend has, for a variety of reasons, come in some respects to an end. Apparently, the development of new configurations of world political power is contributing to a trend of renewed armament and an upswing in the arms trade. Moreover, under the auspices of the fight against international terrorism – starting with the military superpower of the USA – a new arms dynamic has been set in motion. In this situation, it is critical that the United Nations Security Council recalls the task set out in Article 26 of the Charter to formulate plans for “the regulation of armaments” (the term used for arms control and disarmament in the language of the UN Charter). In Germany and Europe, the challenge of the regulation of armaments should be accorded the highest priority.

##### 4.3.1 Arms exports

(158) Arms exports contribute to the threat to peace. In exporting countries they strengthen independent economic interests in arms production. In importing countries, imported weapons can intensify conflicts. Consequently, the Federal Government has set out policy principles for the export of weapons of war and other weapons goods, which also integrate the EU Code of Conduct for Arms Export. The policy principles name peace, security and development as key criteria. According to the figures set out by the Stockholm International Peace Research Institute in 2006, global spending on arms had increased by 34 per cent since 1998. Since 2002, a growing worldwide arms trade is apparent, in which Russia and the USA, with approximately 27 and 26 billion US Dollars respectively, take the lead, followed at some distance by France, Germany and Great Britain.

(159) In the first five years of the 21<sup>st</sup> century, Germany was, in global terms, a mid-sized arms exporter. In total, deliveries of ships were the second biggest component of German

arms sales after the export of land vehicles and their components. Shipments of electronic equipment are also increasing. Production facilities with the appropriate software and technologies as well as equipment for military training are becoming increasingly important. The majority of German arms exports are destined for industrialized countries. Nonetheless, a third are sent to states that receive Official Development Aid. The value of authorized German arms exports to developing countries has also increased dramatically in recent years. The tenth arms export report of the Joint Conference of Churches and Development (GKKE), which regularly observes and comments on developments in arms exports, complains, moreover, of a renunciation of the principle of not providing German weapons to tension hotspots, and identifies arms exports to the Near and Middle East as well as to Southern Asia, South-East Asia and the Far East.<sup>18</sup> The difficulty presented by dual use is increasing not only with regard to modern scientific-based key technologies such as electronics, biotechnologies, and nanotechnologies, but also applies to small arms and light weapons.

(160) The huge risk represented by arms exports has always led churches and Christian groups to call for them to end. Ideas for weapons conversion would be useful for this. Without binding international agreements, the new dynamic of arms production and export will be unstoppable. That is also apparent in the fact that the EU Code of Conduct has not stemmed European arms exports. Arms export policy decisions being determined by the economic interests of capacity utilization is to be fervently warned against.

#### *4.3.2 Disarmament and arms control*

(161) Although there is now an intricately woven web of internationally applicable disarmament and arms control agreements, the partial erosion of arms control cannot be overlooked: chemical weapons states are falling behind the time plan set down in the Chemical Weapons Treaty. The Organization for the Prohibition of Chemical Weapons (OPCW) has verified the destruction of only 9,600 metric tons of the total declared stockpile of 70,000 metric tons of chemical agents. The target set out in the Treaty for the final destruction of chemical agents by 2012 cannot now be achieved without renewed political will. The importance of the Biological Weapons Convention has been largely devalued by America's blocking of a verification protocol. Particularly dramatic are the erosion tendencies in the case of the 1970 Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was extended indefinitely in 1995 and yet is in danger of losing its effectiveness. The 2005 NPT Review Conference mercilessly disclosed the debacle of the non-proliferation regime. The lack of an agreement between nuclear and non-nuclear states on the suspension of production of fissile material useful for military purposes adds to this danger.

(162) The arms dynamics of the Cold War resulted in a stockpile of some 50,000 nuclear warheads. After the Cold War ended, the number of nuclear warheads and deployment systems in East and West, in particular in Europe, was drastically reduced. Moreover, the suitability of nuclear deterrent strategy has now become questionable (see above, Chapter 3.3.1). From the point of view of Protestant peace ethics, the nuclear weapons threat can today no longer be seen as a legitimate means of self-defence. This statement consciously represents a peace ethics position that – in a changed historical context – differs from that set out in Thesis VIII of the Heidelberg Theses of 1959 (see above, Figure 109, note 14). There

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<sup>18</sup> See the Arms Export Report 2006 of GKKE, Bonn and Berlin 2007 (epd Nr. 1 of January 2 2007); in particular the instructive summary of the results, pp. 4–8.

is still not agreement, however, as to what political and strategic conclusions are to be drawn from this agreed peace ethics position.

(163) According to one argument, one side's threat, as a necessary component of deterrence, is a consequence of its perception of the readiness of another country's weapons potential, and thus leads to a vicious cycle of reciprocal perceived threat. In the interests of the credibility of the deterrent principle, it has never been possible to separate the political function of nuclear weapons from the operational planning that – if deterrence fails – also foresees nuclear war. All experience suggests that deterrence is necessarily linked with further nuclear armament, rearmament and weapons modernization, which also includes new missile technologies. The disarmament obligations resulting from the NPT are still undermined if modernization is effected on the basis of reduced weapons potential. If the traditional nuclear powers do not take compliance with their disarmament obligations seriously, the NPT regime as a whole is jeopardized. In the affected governments and populations, double standards can lead to dangerous acts of defiance and can intensify efforts to acquire nuclear weapons. From a peace ethics point of view, this line of argument demands complete nuclear disarmament. Concrete steps towards this goal include stopping nuclear testing and ceasing production of fissile material for weapons purposes, establishing nuclear weapon-free zones and disposing completely of non-strategic nuclear weapons that date from the time of the Cold War.

(164) An alternative line of argument emphasizes that one must, even without explicitly threatening anyone, address potential threats – not least the threat posed by the increasing number of nuclear-armed states and by the danger that terrorist groups might also become equipped with weapons of mass destruction. To that extent, deterrence remains a valid principle. It is served by conventional and nuclear weapons, with nuclear weapons regarded as political and not as war-fighting weapons. The existence of such a potential is supposed to prevent a prospective adversary from attacking, blackmailing or putting pressure on others. This “prevention” is based on the attacker's awareness that in the case of the use of nuclear weapons he would have to expect unacceptable, incalculable damage. The risk of deterrence failing must also be responsibly thought through. But the dilemma would not be smaller if one were unilaterally to renounce adequately balancing the potential of an increasing number of nuclear powers. Rulers who are primarily interested in surviving and retaining power cannot necessarily be assumed to act irrationally. Even proponents of this line of argument do not deny the ethical postulate of nuclear disarmament, but they are convinced that even a world entirely free of nuclear weapons would be anything but stable, because nuclear weapons cannot be “un-invented”. From this perspective it is difficult to imagine how in the event of tensions the outbreak of a new, extremely destabilizing nuclear arms race for the new “first atomic bomb” could be prevented.

(165) Most of those who die through armed violence are killed by so-called *small and light weapons*. These include revolvers, sub-machine guns, shoulder-fired surface-to-air missiles and hand grenades. According to the Small Arms Survey published in Oxford in 2005, some 639 million such small weapons are in circulation. There are various reasons for this high level of circulation, ranging from supply-oriented political lobbying by pertinent alliances to the self-defence choices of citizens whose governments make inadequate provision for their security or none at all, the situation of fragile states, and the abuse of children in violent conflict. Following the failed attempt of a UN action programme to make the control of production and trade of small arms more binding, there is now a new initiative for an arms trade treaty as well as EU initiatives. The Federal Government supports these, but at the same

time, according to data from the GKKE's 2006 Arms Exports Report, the value of German permits for the export of small weapons for military purposes increased seven-fold between 1996 and 2005. The stockpiling and circulation of small and light weapons represent a threat to peace, stability and sustainable development that should not be underestimated. Combating the circulation of weapons in this category seriously and authoritatively is therefore a peace policy objective that Christian initiatives also support.

(166) The importance of civil society initiatives and Christian involvement is also apparent with regard to anti-personnel mines and cluster bombs, the horror of which was made clear once again in Lebanon in summer, 2006. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, concluded in Ottawa in 1997 and supplemented by the Protocol to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, has achieved some improvements. The Convention has 144 signatory states. The use of mines has been brought to a virtual stand-still, stockpiles of 31 million mines have been destroyed, and large areas of land have already been cleared of mines. But not all the states that have signed the Convention are implementing it in full, and non-signatory states have massive stockpiles of mines. An action alliance of hundreds of non-governmental organizations – which includes in Germany Bread for the World, Christoffel-Blindenmission, German World Hunger Aid, the German Charity Alliance, Diakonie, Disaster Aid, EIRENE International (member of the Action Committee Service for Peace), Justitia et Pax – is currently trying to extend the partial success achieved in the area of anti-personnel mines to cluster bombs. These efforts should be supported fully.

#### *4.3.3 Privatization of state security roles, mercenaries and paramilitaries*

(167) A policy aimed at strengthening the international peace system as a legal system must also address the trend towards the erosion of states' monopoly on force through the privatization of security functions. This trend can be seen in many attempts by various Western states to put what were previously seen as tasks for the state into private hands and market economies (outsourcing). In some areas, the armed forces of the Federal Republic of Germany have also been reformed from this perspective – with varying financial results. It is particularly problematic for peace policy when military-related service providers receive contracts in the context of war operations. This practice has become publicly known worldwide, in particular as a result of the abuse of prisoners in military prisons in Iraq, in which members of US private military companies were involved. In other cases, private military service providers have undermined the application of international UN rules, insofar as the prohibition on sales of weapons has been circumvented, such as in Sierra Leone and in Bosnia.

(168) Advocates of the use of private security and military firms emphasize their efficiency and potential positive contribution including in the context of peace missions. From a peace ethics perspective, however, it is not enough to point to momentary successes in stabilizing a country. The international community, i.e. Western states, loses credibility and undermines any serious peace strategy whenever private military or interrogation staff are deployed outside of military or police hierarchies and are thus not held accountable. This is comparable to the behaviour of governments in third world countries who surround themselves with private armies, use paramilitaries to fight against insurrectionists, and thus themselves contribute to the dissolution of the legitimate state monopoly on force. Use of means of force

for political purposes but without being subject to control by a state governed by the rule of law risks disturbing the foundations for responsible state action and inter-state agreements. Democratic principles of parliamentary control and accountability require such developments to be stopped. Therefore, contracts of German security firms for the training, mediation and deployment of armed staff should, as the GKKE promotes, be controlled in a similar way as general arms export requirements.

(169) The great importance of decommissioning and demobilization, and above all of the reintegration of former soldiers and armed combatants, for the construction of social and economic peace structures, is known in Germany from bitter experience. Initiatives in this regard in countries torn apart by violence – such as Colombia or Liberia, for example – require particular skills. It is worth ensuring that the buying up of weapons supported by international institutions is done in a way that the weapons are genuinely taken out of circulation, in order to strengthen a legitimate state monopoly on the use of force. Former combatants, in particular children and young people, require support to help them overcome the traumas they have suffered, and to be able to develop new civilian self-images. Using children as soldiers and forcing them to go into battle must be treated as one of the most serious of crimes and be prosecuted in national and international criminal courts. Here churches have the task of finding ways to overcome such practices, in the framework of ecumenical and interfaith dialogue. This includes laying the spiritual foundations for the healing of the wounded souls of perpetrators and victims and initiating new social relationships. Young men who had based their feelings of self-worth as men on their possession of weapons, and had also built their financial existence on that basis, must have the prospect of a dignified civilian life.

#### 4.4 Expanding civilian conflict management

(170) In the context of just peace, civilian conflict management is a priority. At the time of the high level of armament during the Cold War, peace ethics was focused on issues of inter-state relations and disarmament and thus protection from fear and armed violence. Only with the end of the East-West conflict did the view of peace ethics again open out to include the requirements for domestic peace. In the 1994 EKD Text “Steps on the Way to Peace”, various activities were described under the term civilian conflict management that Christian initiatives and peace groups predominantly devoted themselves to in order to facilitate peace-promoting structures within the community. Supported by a series of United Nations global summits and the accompanying civil society forums on global issues, new concepts have been developed and new emphasis placed in the world of civil societies and among states on the quality of social relationships *within* communities. Global initiatives, processes and institutions for civilian conflict management have emerged. In Germany this is demonstrated clearly by the example of the “Ecumenical Service to the Conciliation Process” (*Schalomdiakonot*), a member organization of the Action Committee Service for Peace (AGDF).

##### 4.4.1 Challenges and agencies of civilian conflict management.

(171) The recognition of conflict as an ever-present state of affairs in a differentiated and diverse dynamic society has come to be taken for granted in modern democracies, as has a broad-based internalized attitude to non-violent processing of conflicts. Within politically stable, modern communities there are institutional and emotional guarantees of reliable security and the prevention of violence – in the private arena, in society, and in public affairs

– that originated in historical battles. Nonetheless, acts of violence motivated by racism and sexism as well as terrorist attacks demonstrate that in all societies, especially those that have had to contend with sudden social change, institutionalized and internalized forms of non-violent conflict resolution require ever-greater support. Conflict-regulating institutions must be continually further developed in order to be able to fulfill their civilizing function. Accordingly, awareness of the political significance of a non-violent approach to unavoidable conflict has grown and intensified over recent years. Arbitration proceedings and conflict mediation are attracting increasing interest in many areas of society (from teaching of conflict management in schools to measures for constructive conflict management in big companies). The diversity of ecclesiastical and lay action to support any member of society whose interests have until now been represented in the existing institutions only poorly or not at all, is to be strengthened.

(172) Non-violent forms of conflict resolution such as are seen within intact communities exist between states only to a limited extent. In the modern international community, regulating relations between states would primarily be the task of those responsible for foreign policy and diplomacy. The development of an international law differentiated according to policy areas based on the UN Charter – from the environment to rights at work and the concept of “human security” – has not only brought to bear a concept, new to international law, of (restricted) state sovereignty (*new sovereignty*), but has also expanded and diversified traditional foreign policy through the influence of private, economic and civil society. This poses the new challenge of constructing a coherent position for the various foreign relations of Germany and Europe. For example, the signals sent out by economic and cultural relations must not be incompatible with security collaboration and development cooperation.

(173) At the international level, we now speak with regard to civilian conflict management of various “diplomatic tracks” (*multi-track diplomacy*): alongside the first track of traditional diplomacy there are miscellaneous non-state tracks – of churches and religious organizations, non-Governmental organizations and political foundations, but also of individual citizens and economic actors. This multiplicity of tracks and actors makes it clear that the influence on international areas of conflict is multidimensional. In this connection, attention should also be drawn to the potential of religion for peacemaking.<sup>19</sup> The terms of civilian and constructive conflict management state that it is not about the prevention of conflict in itself, nor is it about the prevention of conflict only at the early stages of a threatened escalation of violence (as suggested by the term “conflict prevention”), but about the prevention of political conflicts about to escalate and the most sustainable possible prophylaxis of conflicts being played out *violently* at *any phase*, i.e. also to prevent a relapse back into violent forms of confrontation.

(174) If civilian conflict management is to succeed, the stage of the conflict must, however, be considered. When disagreements are escalating and the existing rules for conflict resolution are proving to be inadequate or have been rendered invalid, civilian conflict management comes down above all to action that serves to prevent the formation of violent confrontations. In cases where there has already been recourse to violence, it involves de-

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<sup>19</sup> See in this regard the heartening study by a staff member at the research premises of the Evangelical Studies Association (registered association), Markus Weingardt: “Religion Macht Frieden: Das Friedenspotenzial von Religionen in politischen Gewaltkonflikten”, Stuttgart 2007.

escalation of the violence. And after violent forms of confrontation have formally ceased, civilian conflict management means striving for sustainable consolidation, i.e. the use of non-violent conflict resolution through institutions and scrupulously followed rules, as well as the development of new life prospects *in that place* through the fight against poverty and the construction of a peace economy. Civilian conflict management is particularly important at the beginning of a progression towards crisis and after the violent confrontations have ended.

(175) The German Parliament has often emphasized the importance of civilian conflict management. The Federal Government's inter-departmental action plan, "Civil Crisis Prevention, Conflict Management and Peacebuilding" says that civilian conflict management has won greater political credence since 2004, new routes for inter-ministerial agreements should be adopted, and civil society competencies should be better respected. This task is extremely urgent.

(176) The diverse experiences of the various peace policy actors must be collated and evaluated. Sensibly, both peace service alliances (AGDF and Forum ZFD) have joined with the recognized organizations responsible for development services (including the Evangelical Development Service/Service Overseas, EIRENE) in a "Consortium of Civilian Peace Services" in order to share with one another their experiences in crisis regions. A further example of new forms of cooperation between civil society and state actors, in addition to the action plan "Civil Crisis Prevention, Conflict Resolution and Peacebuilding", is the constitution of the Association for Development Policy Peace Work (FriEnt). Further opportunities for sharing experiences and common perspectives on problem situations in crisis regions should be tested and thoroughly evaluated.

(177) The diverse activities that need to be connected up include, for example:

- Support for and building of civil structures in conflict and crisis regions (e.g. promotion of non-governmental organizations, advice in and monitoring of institution-building).
  - Support for and building of democratic structures and legal bodies (e.g. election monitoring, monitoring of police, court proceedings and prisons, guidance for parties and in the formation or reform of legal and security systems).
  - Dialogue on values and rules for democratic participation (e.g. support for truth-finding and conciliation, interfaith dialogue and mediation services).
  - Influence over political opinion- and decision-making processes (e.g. monitoring of human rights violations, encouraging the activities of local peace policy actors).
  - Measures for de-escalating violent conflicts (e.g. accompanying at-risk persons, dialogue with parties to the conflict), peace pedagogy training work (e.g. training services, joint projects with parties to the conflict).
  - Network building and promotion of peace alliances (e.g. support for experience-sharing including between different conflict regions – such as Northern Ireland and Kosovo, political advisory services).
  - Targeted enlightening of the public (e.g. advice on compilation of reports, training of peace report-writers).
  - Education policy measures (e.g. mediation in schools, establishment of one-off competitions, such as in Macedonia on the theme "How I imagine peace").
  - Demobilization and reintegration of ex-combatants (e.g. through counselling, trauma processing, campaigns against small arms and landmines).
- Promotion of peace research as well as respect for the socio-cultural aspects of gender relations in issues of violence and peace in the various fields of action.

Sustainable peace policy depends on the totality of activities being promoted and officially supported by policy, including the opportunity to learn from mistakes for the benefit of future practice. We are not yet able to say that the general policy direction is determined from the perspective of civilian conflict management.

#### 4.4.2 Requirements for civilian conflict management from outside

(178) There are many indispensable requirements for successful civilian conflict management: a thorough knowledge of the circumstances of the conflict, and knowledge of the conflicting parties and the rules that are applicable or are not being respected at the place in question, as well as close cooperation with the local forces that are themselves committed to an end to the violence and peace-promoting innovations. It can thus be seen that sustainable peace is above all an internal matter (*ownership*) but one that – with due caution – can only be promoted to a certain degree from outside.

(179) The idea of *prevention*, initially linked with the UN Peacebuilding Commission, is still greeted with scepticism by states; it does not seem to be compatible with many countries' claims on sovereignty, in particular countries of the South. Within the UN peace strategies, including *peacekeeping* (ensuring peace by keeping the armed parties to the conflict apart) and *peacemaking* (ending hostilities) and *peace enforcement* (ensuring peace through military means), the new organizational unity of the task of peacebuilding should be stressed. Since failed consolidation is an important reason for relapses into violent conflict, the development of rights-based principles and measures in post-war situations can also be seen as a prevention task. In particular, cooperation of the UN Peacebuilding Commission with public welfare-oriented civil society actors in order to support the construction of societies capable of living in peace is urgently needed.

(180) It helps if the particular contributions of the participating actors are reflected in the conditions of the political context. Civil society organizations, which are inspired above all by the ideals of social movements as well as by human rights, must remember that political successes – for example in campaigns against small weapons or against the recruitment of child soldiers – are sustainable only if the objectives fought for in the campaigns are also put on the agenda of the government organizations. And it is important for organizations that are primarily active with specific offers of help on the ground to examine the effects of their own activities on local power relationships critically. Differences in the specific arrangements for the relevant activity are unavoidable, but they always need renewed consent. Even the task bundle of demobilization, disarmament, and reintegration shows the desirability and necessity of coordinated action by the various actors from outside who are working on a conflict situation.

(181) Whenever civil and military actors are active simultaneously in the same place under the heading of United Nations peace missions, the principle of giving priority to civilian instruments means that all activities should be checked and coordinated with one another from the perspective of arranging the internal relations of communities in a manner that promotes *sustainable* peace. In this perspective, it must be set out in specific detail how the competencies of the various actors can come into play, such as for example competencies in building new connections between people, initiating training processes and civil structures in economies and supporting administration, or the life-saving knowledge of how to protect against armed attacks.

#### 4.4.3 Promotion of learning processes

(182) Learning processes for all those involved are decisive, so that in crisis areas and emergency situations in particular it is not the self-interest of external actors (including aid organizations) that is given priority, but support for the processes of material and social reconstruction of the communities torn apart by violence and deprivation. In “Conceptual Considerations on the Future of Christian Peace Services”,<sup>20</sup> published in 1996, emphasis was placed on the need to rethink one’s own practices and to have a willingness to learn. A self-evaluation published in 2005 of six years’ practical experience of civil peace service shows the efforts made towards systematic self-reflection. One self-criticism that is highlighted is the lack of processes for assessing the effects of one’s own actions. Also problematic is the lack of contact with local war alliances, which impedes the lasting success of the peace alliances that have been built up. This critical self-evaluation must, however, be considered in the light of the comparatively small financial resources that are available in Germany and elsewhere for civilian conflict management. The necessary learning processes should be taken into account in public funding. In order to avoid rose-tinted project evaluations, it should be ensured that declaration of (one’s own) failures and proposals for improvements is respected and not punished.

(183) The opportunities for cooperation between state policy and the societal agents of civilian conflict management are a long way from being used in the manner of an inter-departmental cross-cutting challenge. Adequate institutional foundations have not yet been laid at the national, European or international levels to make it possible to tackle unavoidable clashes in objectives in a manner that promotes peace – for example the clash between the necessarily internal working on conflict (ownership) and the necessary change of political power relationships. Competent civilian conflict management from outside requires that local circumstances are at no point lost sight of, so that civilian conflict management can be “internalized”. Civilian conflict management means taking a long-term and sustainable view. This requires signals from outside to be as noncontradictory as possible in regions plagued by crisis and violence. When the people being deployed change, continuity and reliability are crucial. It is of particular importance that consequences of the day-to-day strategies and activities of powerful international organizations, and private-sector actors for peace policy at the level of local civil society, are investigated and evaluated: their activities can be helpful, but may also do harm. Respect and conflict sensitivity must apply in all policy areas, including all areas of relations with civil society and action by religiously motivated groups. The Church has a tremendous responsibility here. Civilian conflict management can only succeed if it is not seen primarily as a task of repair, but as a key policy principle for action and as a cross-cutting task. Although the Federal Government’s action plan on crisis prevention stipulates this requirement, its implementation will require the relevant new capacities.

#### 4.5 Realizing human security and human development

(184) As early as 1919, the pursuit of “justice and humanity”, the political objective of using relevant social conditions to anchor “world peace and global harmony”, and interest in fair framework conditions for economic trade relations, were guiding principles in the

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<sup>20</sup> These considerations formed the basis for the Conclusions of the EKD Synod of Borkum (1996) on the future of Christian peace services and on civil peace service.

establishment of the International Labour Organization (ILO). The United Nations Charter, adopted in 1945, also contains economic and social goals in article 55 “with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples”. In 1966, these objectives were anchored in human rights terms in the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, international economic relations are still far removed from the principle of equal rights and self-determination of peoples. The volatile situation of scandalously huge and still growing difference between the living conditions of people in North and South must be decisively overcome.

#### *4.5.1 Human security and human development*

(185) The concept of “human development”, developed by the United Nations Development Programme (UNDP) in its 1990 Report, puts the improvement of living conditions and opportunities for personal development in the foreground, and laments the lack of success of national and international economic, development and security policy in this respect. It is based on the analysis of statistics and key economic data from the point of view of the satisfaction of human needs and rights and the accumulation of expertise that lives up to the premises of the capabilities approach. The coupling of the concept of human development with the concept of human security in UNDP’s 1994 Report draws on the security needs of people in their everyday lives, and is based on the idea that states and the international community must protect individuals from violence and from want. From this essential perspective, the various threats to existence in people’s real everyday lives come into view: weapons systems for example, as well as the disastrous consequences of global financial transactions for the social existence of many people.

(186) Since the 1990s, the concept of “human security” has been realized in a variety of ways: one example of this is the anti-landmine campaign. In 2005, in Canada, the first *Human Security Report* was published, which also drew attention to the progress made through UN efforts to reduce violent conflict. Another example of the realization of human security occurred under the leadership of Japan, which in light of the experience of the 1998 Asian financial crisis, tackled the issue of protection from deprivation and securing the “survival and the dignity of the individual” in everyday life.

(187) In accordance with the UNDP approach to the linked concepts of “human development” and “human security”, attention is focused on the survival and development opportunities of individuals under various social and national conditions. Coupled together, the two concepts correspond to the concept of just peace based on human dignity. Therein lies its power for political innovation: in an interconnected but socially divided world, in which protection for individuals must be expected no longer only within state borders, but also from international cooperation, decisions to invest public financial resources depend among other things on paying attention to indirect sources of danger (armed violence, famine disasters, environmental damage), and enabling the promotion of long-term sustainable development opportunities. The concepts of “human security” and “human development” prompt questions such as: whose security and whose development are being promoted or ignored? Are the relative needs of the South and the North, women and men, and people in different classes and life circumstances being taken into account (including in this country)? Only when such questions are asked and answered seriously are the long-term view and sustainability accorded the importance that peace policy requires.

(188) Strategies of empowerment are aimed at realizing fundamental rights in practice. They link the notions of help and self-help. For the Church Development Service, the idea that people must be empowered and be given the means in their own hands to really demand their fundamental rights now plays a central role. If fundamental rights are understood in the sense of a capabilities approach, it is possible – as set out in Chapter 3 – to take into account both their inalienability and the existence of conflicting but modifiable socio-cultural habits and legal relationships. The demand by women for equal rights in the legal system is thereby accorded great importance.

(189) Nonetheless, the sustainable empowerment of individuals and the strengthening of their social rights is not possible without the construction and expansion of appropriate institutions to guarantee public goods. Until key policy areas such as trade and finance are coherently linked with one another in the United Nations system, a systematic UN policy with a clear focus on all human rights as well as environmental protection objectives, is not possible. A peace-promoting development policy depends above all on ensuring, with the help of appropriate reforms, that action is consistent, so that statements in support of the “fundamental principles and rights at work” (i.e. freedom of association and right to collective bargaining, elimination of forced labour, eradication of child labour and prohibition of discrimination in employment and work) are not made in one arena (e.g. International Labour Organization – ILO), whilst in other arenas (e.g. World Monetary Fund – IMF, or the World Trade Organization – WTO) they are in reality being ignored or actually obstructed. That applies as much to bilateral state relations, which requires appropriate cooperation between government departments, as to global institutions.

#### *4.5.2 Responsibility and Accountability*

(190) Given global economic interdependencies it is beyond dispute that economic actors active transnationally who claim democratic protection for their own immediate concerns (e.g. property rights) also have an obligation on their part to adhere to other fundamental principles of international law. If the Global Compact is to function – as intended – as a forum for learning and dialogue, we need public debate and a critical appraisal of the results achieved. Only if companies’ reports are verifiable and open to public discussion—as is already the case, though only in a rudimentary fashion – do national monitoring networks have the influence to improve the global social situation. (The complaints need to be monitored in connection with the Organization for Cooperation and Development (OECD)’s guidelines for multinational companies. In Germany, the monitoring networks are coordinated by the Society for Technical Cooperation GTZ.) In addition, in order to firm up the rights and responsibilities of the majority of transnational companies, binding regulations must be developed, on the basis of the previously formulated UN norms and standards for multinational companies, that seal the voluntary approaches to self-regulation developed in the sense of “Corporate Social Responsibility”.

(191) Initiatives such as the “Clean Clothes Campaign” and other social certification projects (e.g. coffee, carpets, flowers) have emerged in order to monitor and evaluate the business conduct of companies that operate worldwide, in particular of brand-name firms. Such initiatives put pressure on companies to understand their responsibilities to society and to be held to account for the consequences of their global trade. This presents Christian groups with an important challenge for development cooperation. Disadvantaged and particularly vulnerable groups need advocates who will speak up for their rights. However, these efforts

can be successful only if respect for human rights and the fundamental principles and rights at work is required of all the actors participating in economic life. Above all, social accountability in economic activities must not be abandoned when it comes to securing strategic raw materials. In many places in the South, the production and marketing of raw materials required by industry is linked with violent conflict, whilst industrialized states in the North declare access to raw materials to be in their security interests. The credibility of the peace policy statements of industrialized countries, including of the Federal Republic of Germany, is revealed by the question of raw materials. Companies from the OECD world are also involved in war economy cycles<sup>21</sup> through the purchase, transport, and if applicable, finishing of strategic or rare raw materials. In order to dry up war economies, companies' accountability for their payments to governments and rebel groups should be made mandatory. Relevant international legislation could be developed on the basis of the preparations made by non-governmental organizations such as *Human Rights Watch* and appropriate expert committees of the United Nations. In the interests of peace policy, industrialized countries' available purchasing power for rare raw materials should be used in such a way as to break the cycle of violence and support responsible state governance.

#### 4.5.3 *Human Security and Domestic Peace*

(192) New technical possibilities have significantly reduced the significance of spatial distances, and not just for businesses. This has had the effect of making the enormous differences in life chances for people in poverty-stricken and desolate situations across the world more visible. Many try to take their fate into their own hands through migration<sup>22</sup> – like those who once emigrated from Germany. Today, many large cities in Germany are home to people from numerous countries of origin. Even in the smallest of the German Federal Länder (Bremen), there are people from some 170 states – there by choice or forced there by war, displacement, or social deprivation in their countries of origin. In these circumstances, universal social rights, as a component of civil rights in general, also become of central importance for domestic peace in Germany.

(193) It is not only since the turn of the century that violent assaults within rich industrialized countries have attracted increased attention, in particular when they are politically charged. Protection from violence in people's day-to-day lives is a common need of long-standing residents and immigrants, wealthy and poor. No community may disregard the basic needs of any other group, but the poor need special protection from want. The promotion of freedom requires people to be able to make their voices publicly heard, irrespective of their origin. That means recognizing diversity and promoting a culture of constructive resolution or settlement of conflicts. Religious and cultural differences should not be taken to be the same thing, but history and the present day teach us that socio-cultural consolidation of unfair life chances promotes (potentially violent) conflicts along ethnic or religious lines. For strategies

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<sup>21</sup> See the Study by the EKD's Chamber for Development and the Environment: *Guide our feet into the way of peace: Violent Conflicts and Civil Intervention with Examples from Africa*, EKD-Text No. 72, Hannover 2002.

<sup>22</sup> Fundamental to this is the common word of the Churches on the challenges of migration and escape "and the stranger who is at your gates", published by the Church Administration of the EKD and the Secretariat of the German Conference of Bishops in cooperation with the Work Committee of Christian Churches in Germany; Bonn/Frankfurt am Main/Hannover 1997; also: *Cohabitation created: a Contribution of the Council of EKD on the issues of Integration and Living together with people of other origins, languages and religions*, EKD-Text 76, Hannover 2002.

for compromise and cooperation between states to be credible, they should also shape the domestic community. Nonviolent approaches to conflicts within industrialized societies are effectively the school where the skills are learned that allow us to deal with the world's bigger social challenges from the perspective of just peace.

## Conclusion

(194) If you want peace, prepare for peace. The desire for peace is anchored more strongly than ever before in the declared objectives of key institutions in the international community and German society. The observable reduction in the number and victims of wars and violent conflicts, in particular those of high intensity, gives us hope of an increased awareness of peace policy and accordingly of enhanced efforts to be able to really bring about peace on earth. Peace is not something that can be taken for granted, but it is possible and worth striving for.

(195) Those who live from God's peace, also stand up for peace in the world. Christian peace credentials are substantiated in proclamation and worship, education and training, advocacy for the fundamental right to freedom of conscience, for conciliation instead of vengeance, and for a just peace as a mission statement for world peace and cooperation. Peace is a process – that must be continually safeguarded – of promoting freedom, protecting from violence, reducing want, and recognizing cultural differences. It is based on the ability to approach inescapable conflicts in a constructive manner. This ability begins by being practised in people's everyday lives. The way to achieve it is by building trust and making efforts to compromise.

(196) Just peace in a globalized world presupposes an international legal system. It must be committed to giving priority to civilian conflict management, and the use of means of force must be tied to strict ethical and democratic criteria. Human rights and democracy must be anchored in local traditions or at least be able to be linked with them without coercion. Every well-intentioned outside intervention in violent conflict must respect this. Even the new challenges of international terrorism do not justify the revival of the concept of "just war"; these challenges can and must be met within the framework of the legal system of the United Nations.

(197) State security and peace policy must be considered through the lens of the concepts of "human security" and "human development". These concepts should also become test criteria for the consistency of peace policy and for appraisals in various policy areas. Peace policy has no foundation if the security needs of people on the other side of the conflict lines are not considered. Trust and cooperation cannot develop without consideration of the interests of others. Consequently, security precautions in the interests of one country – in particular military precautions – are no substitute for cooperative efforts towards peace. Even armed protection for groups that are suffering as a result of armed conflicts must not lose sight of this view of sustainable peace. The Church of Jesus Christ is called to bear witness to peace and work for reconciliation in places governed by mistrust, violence and suppression; these are an inalienable responsibility of all Christians.

## List of Abbreviations

*1. Abbreviations for Books of the Bible*

Eph	Ephesians
Hos	Hosea
Jer	Jeremiah
Isa	Isaiah
Jn	John (Gospel)
Lev	Leviticus
1 Cor	1 Corinthians
2 Cor	2 Corinthians
Lk	Luke
Mk	Mark
Gen	Genesis
Exod	Exodus
Num	Numbers
Deut	Deuteronomy
Matt	Matthew
Phil	Philippians
Ps	Psalms
Rom	Romans

*2. Miscellaneous abbreviations*

AGDF	Action Committee Service for Peace (registered association)
AU	African Union
BSLK	Symbolical Books of the Evangelical-Lutheran Church (Göttingen 1930, 12th Edition 1998)
CEC	Conference of European Churches
CFSP	Common Foreign and Security Policy of the EU
CSCE	Conference for Security and Cooperation in Europe
EAK	Protestant Association for the Care of Conscientious Objectors (registered association)
EED	Evangelical Development Service
EKD	Evangelical Church in Germany
ESDP	European Security and Defence Policy
EU	European Union
Forum ZFD	- Civil Peace Service Forum (registered association)
FriEnt	Association for Development Policy Peace Work
GG	Basic Law for the Federal Republic of Germany of 23 May 1949 ( <i>Grundgesetz</i> )
GKKE	Joint Conference of Churches and Development
GTZ	German Society for Technical Cooperation Ltd.
ICJ	International Court of Justice, The Hague
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
IMF	International Monetary Fund
ICESCR	International Covenant on Economic, Social and Cultural Rights
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NPT	Treaty on the Non-proliferation of Nuclear Weapons

OSCE Organization for Security and Cooperation in Europe  
 OECD Organization for Economic Cooperation and Development  
 OPCW Organization for the Prohibition of Chemical Weapons  
 SIPRI Stockholm International Peace Research Institute  
 UN United Nations  
 UNDP United Nations Development Programme  
 UNESCO United Nations Educational, Scientific and Cultural Organization  
 UNSAS United Nations Stand-by Arrangements System (UN planning system for reducing response time for the deployment of peace missions)  
 WCC World Council of Churches  
 WTO World Trade Organization

Members of the Advisory Commission for Public Responsibility of the EKD  
**(as at July 1 2007)**

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