

The Hague Institute for Global Justice

Narrative



The Hague, The Netherlands
City of Peace and Justice



A meeting place ...

Early in the 13th century, the stronghold close to the little lake in the dunes that is now known as the Hofvijver became the place from which the surrounding area was governed. At first, the counts of the Hague tried to establish order with the power of swords and guns. Their ambitions to rule the low countries by force tended to end in swamps, where small gangs of armed peasants killed counts Dirk II and Floris V during their attempts to secure a larger territory. Maybe this early history, about which little is known, helped The Hague to become the facilitator of governance mechanisms, rather than the source of power. The earliest evidence of such a destiny comes from the election of count William II in 1247 as a compromise figure to lead the German Kingdom. This event allegedly triggered the building of the *Ridderzaal*. This was to be a suitable meeting place for the hundreds of nobles who together formed the weak government of the kingdom, and still sits in the centre of The Hague.

In 1581 The Hague became the venue of the *Staten-General* of the Republic of the Seven Provinces. The neutral place, the safe place where the Dutch power elites could come together. A place where diverging interests could meet, perspectives could be shared, differences could be aired, and where processes towards compromise could unfold. It was in this environment that Johan van Oldenbarneveldt and his team in a few years built a state that facilitated the cooperation that made the Republic a global trade hub of the first order. In the peaceful, open environment governed from The Hague, merchants from Amsterdam and other Dutch cities innovated trade by mainstreaming unified standards of measurement, a common currency, the idea of a central bank and the mechanism of limited liability. Hugo Grotius joined to invent international law with his books on the laws of war and peace and the law of the seas, thus proposing common, transparent rules for *all* rulers of *all* lands.

Dutch global trade hegemony, which was supported by a strong navy, gradually faded out during the following centuries, but these innovations in global governance stood the test of time.

It was 1899, when global leaders met in the *Oranjezaal* in *Huis ten Bosch* to talk about mechanisms to preserve peace. Tobias Asser and his team brokered the first treaties ever that limited the effects of war.

They providing rules of international law that excluded the use of weapons that are unusually destructive. Thus, they made transparent how terrible the effects of war on people can be, and provided standards against which the conduct of nations can be measured. One moment of glory came when Asser received the Nobel Peace Prize 1911 for helping to set up the Permanent Court of Arbitration. Another one was the opening in 1913 of the Peace Palace, financed by steel magnate turned philanthropist Andrew Carnegie, and now the seat of the International Court of Justice competent to deal with any conflict between states. But they would soon become painfully aware how imperfect their attempts at peace-building and conflict containment were. World War I broke out one year later, between some of the same world leaders that had been instrumental in setting up the The Hague's peace mechanisms. At the decisive moments in the hot summer of 1914, the ultimate conflict resolution mechanism in The Hague was disregarded, and this would happen again for most international conflicts during that bloody 20th century.

In 1945 development economist Jan Tinbergen and his team brought the best economic knowledge to The Hague. Moved by the challenge of eradicating poverty that was the consequence of a major crisis and the ensuing war, they started to model the entire economy into 27 different equations. Again, part of their dream proved to be too ambitious. Planning the economy was not a particularly good idea. But to this day, the Centraal Plan Bureau models (grown towards 2400 equations with 2850 variables) provide transparency in Dutch politics, making it possible for everyone to check whether he is treated fairly by the decisions of his government.

To the last 0.1%, the income effects of major policy changes are calculated, so that politicians are accountable to their citizens. The work on modeling the economy and their commitment to see economic development as a global justice problem, to be solved by thinking and acting globally, brought Tinbergen the Nobel Prize, the first ever in economics, and the second one for a modest facilitator from The Hague.

During the 1990's, a next threat to peaceful coexistence became manifest. Behind the Berlin wall and the Iron curtain, many states fell apart and left countless people in the hands of inexperienced leaders, who were often tempted to play the cards of ethnic conflict. Max van der Stoep was another exemplar of modest, hard work behind the scenes. He and his team, working for the OSCE (Organization for Security and Co-operation in Europe), became masters of peace-building between communities that had no rules of the game in place to contain conflict. Deep in Eastern Europe and the Caucasus, they could not prevent some deadly wars, but they significantly reduced the number of violent conflicts. Soon afterwards, the Hague became a place where tribunals were established to deal with the consequences of conflict in former Yugoslavia. Again this resulted in a permanent international court of justice. In 2003, the International Criminal Court was established, where leaders who threaten peace can be held accountable in a way that is transparent for the world.

Big challenges,
stitching many little
pieces together



Big challenges, stitching many little pieces together

There is a common thread in these stories. Sure, the teams made mistakes. Members had their own agendas (one of them was even beheaded by opponents). The courts and other institutions they built were very imperfect. But they did take up the biggest global challenges of their time using the best methods they could find in the world, looking far beyond The Hague. In a way, they all worked on facets of justice. By their actions, they made relationships between states, leaders, communities and people a little more fair, somewhat more secure and a bit more prosperous.

As to their working methods, they were aware of their own limitations. They brought the best people and knowledge to The Hague, seeing themselves as facilitators. They saw the challenges and the windows of opportunities, rather than being great inventors themselves. The biggest skill they had was probably that they knew how to stitch imperfect things together, such as the treaties with obligations for states to limit the use of force in the years around 1900; the inadequate data about economic development around 1950; the scattered peace-building efforts of the 1990's. They knew how to invite their co-workers, but also world leaders, top scientists and artists to take up a role. They found great satisfaction in breaking down these enormous challenges in little pieces. They worked in a methodical way. They knew that making transparent what is fair and what works is a complicated, multifaceted and sometimes tedious task of scrutinizing enormous amounts of data.

Looking back, their biggest contributions are probably that they deeply transformed the systems that make the world a more fair and prosperous place. The institutions that enable global trade, international law, economic modeling, the incentives on world leaders to refrain from large scale violence; they would never be the same again.

These efforts also transformed The Hague. Besides being the site of Dutch government, which is still world class (though very imperfect) according to the most objective rankings, The Hague became the city of peace and justice. It earned this name as the permanent location of world courts and organizations such as Europol and Eurojust, but also as a place of study and reflection. When directors of the Institute of Social Studies, the Hague Academy for International Law, the Asser Institute, Clingendael, the Hague Institute for Security Studies and the Hague Institute for Internationalization of the Law describe their mission, they all talk about letting minds meet, bringing different perspectives about justice together, listening and asking open, non-judgmental questions and letting data speak for themselves. People come to the Hague and go, but that open, reflexive mode of analysis and data-collection is an experience they take home with them. Although the city has its own poles – the governing elite and the people living in The Hague often disagree, and went through some major crises in their relationship – it never fell victim to large scale violence during the eight centuries that The Hague is a centre of governance.

The challenges of making conflict resolution mechanisms work



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This is the DNA from which the Hague now sees new challenges. Muslims and Christians seem to clash in their views on justice in family life and much more. Anglo Saxons and Chinese do not always appear to share the same understanding of what is a good way of bringing order in societies. Africans, Europeans and South Asians sometimes see each other as coming from different planets. Believers in the global village see a world full of connections and those who nurture the strengths of local communities see how it falls apart. The idea of facilitating global justice through the mechanisms of the United Nations faded into a distant dream.

Most mechanisms for containing and resolving conflict are contested, from peace-building efforts in Afghanistan, to the International Criminal Court, to juries in Texas dealing with corporate social responsibility, onwards to the informal tribunals that decide land disputes in the villages of Bangladesh.

What becomes ever more universal, however, is the search for truth in matters of justice. Since the 1980's, views on what is fair and just are researched empirically. Comparative legal research and social justice research show that people across the world have more or less stable preferences for certain procedures and outcomes. This creates opportunities for establishing how their "justice views" differ and where they overlap. The needs for voice and participation in procedures and for restorative justice for victims seem to be wide spread, if not universal, as are the impulses to seek retribution and the desire for solutions that work in practice. Gradually, and through the contributions of many disciplines such as human rights law, international (criminal) law, social psychology, anthropology, sociology, victimology, criminology, law and economics, security studies, the dimensions of justice become known. Using the latest and yet imperfect methods, it is possible to establish how all parties to a conflict experience the procedure and the outcome in terms of seven dimensions of procedural justice and outcome justice, as well as three dimensions of accessibility (monetary costs, opportunity costs and emotional costs).

The opportunities of
evidence based conflict
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As was the case with mechanisms supporting global trade, this now creates the opportunity to systematically improve the mechanisms for containing and resolving conflicts. Similar to the modeling of the economy in the past, the task of making transparent what fair procedures and outcomes are, is very complicated. Justice may have dozens of components and justice perceptions of many stakeholders have to be part of the equation. But with the current methods, and provided resources are pooled in worldwide partnerships, this task has become doable. As is the established tradition in The Hague, this requires a facilitative and reflexive mode, where different views can co-exist and are carefully analyzed from every possible perspective.

Another opportunity is that legal rules and procedures as an ordering mechanism are increasingly supplemented by methods for containing conflict, dialogue, mediation, neutral fact-finding, reconciliation and prevention of further violence. Integrating adjudication and these methods for conflict resolution into new conflict mechanisms is a trend across the world. Interdisciplinary research is gradually uncovering which elements of conflict resolution mechanisms work better and which ones are more problematic. This knowledge can now be synthesized into toolkits and best practices, whereas knowledge gaps can be identified and targeted with much more precision than ever before.

One of the major challenges in these efforts is how to deal with legal pluralism, where local practices and religious rules exist next to formal legislation, or duties arising from international law next to state rules or to agreements on a municipal level.

Here, The Hague has a long experience in this field, as a centre of international law and as the permanent seat of the Hague Conference for Private International Law, which provides the world with best practices for dealing with conflicts between rules and procedures from different sources.

A closely related issue is how to share responsibility in the cases where many actors contributed somehow to an adverse situation, or where solutions can only be implemented when a number of actors each take up a share in the burdens of these solutions. Innovative sharing mechanisms have been developed for management of water and other common resources, for attributing responsibilities, and for settling complex litigation. These experiences can be generalized into mechanisms for settling distributive issues, that may be applied to land conflicts, to the consequences of war and to the burdens of climate change.

The opportunities of the era have to be understood as well. Websites and social networking software can now help to build partnerships across the globe. Learning from examples such as the worldwide partnerships against malaria is possible. Social entrepreneurship and venture philanthropy can provide the resources to stitch world class research and reflexive practice together, so that knowledge can be developed at the places where people can act on it.

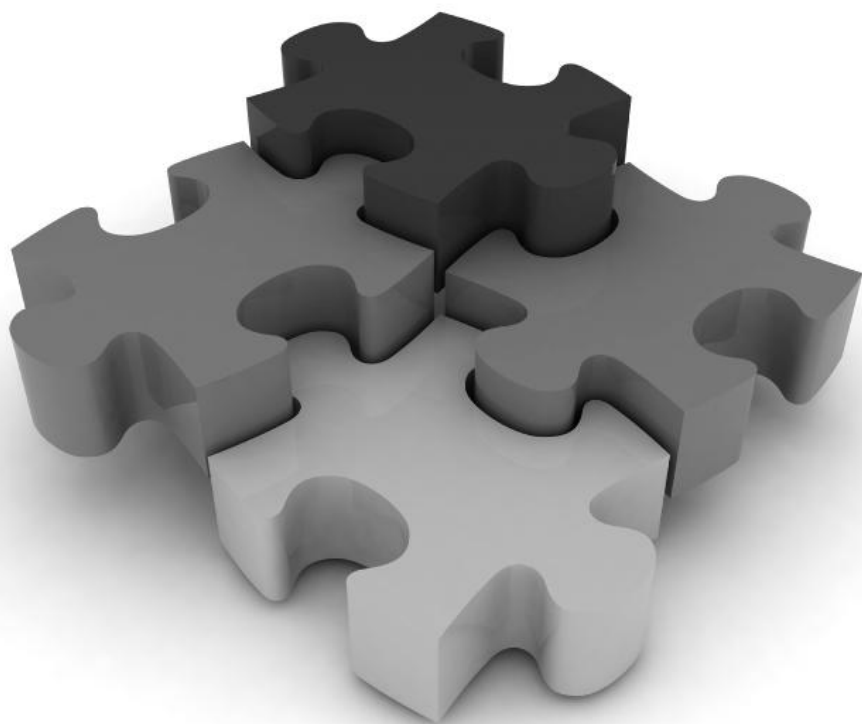
These opportunities give new vigor to an old maxim which can become the mantra of the Institute for Global Justice:

Enabling people to ensure and making transparent whether:

- justice is done
- justice is felt to be done;
- justice is seen to be done;

In conflict mechanisms (in the broadest sense);
and for every person concerned.

A Vision of Four Partnerships



A Vision of Four Partnerships

For these challenges, and using these opportunities, the Hague Institute for Global Justice can be the knowledge hub. In The Hague, a small group of the HIGJ stakeholders secured money to facilitate this task and started work on setting up the organization. Another group worked on the substance and learned who to invite. First, the people from all over the world who have the strongest justice needs. We, the HIGJ stakeholders, will listen to them, ask open questions, learn from them and be silent. They will be the ones we feel accountable to when the next step is taken: to build on what is learned from understanding justice needs and to translate that into better peace processes, post conflict nation building efforts, courts, tribunals and all other manner of conflict mechanisms. We will find a way to engage in a structural conversation how we are doing with our modest contribution to making their relationships a little more secure, fair and prosperous.

The HIGJ will form partnerships with stakeholders who share the mission of systematic learning and evaluating how justice can be done in the lives of real people. Public and private organizations in the justice sector will form the demand side of these partnerships. Four highly promising partnerships will work on peace-building, sustain courts and other types of adjudication, deal with complex conflicts between investors and local communities and try to improve access to justice for the problems of everyday life through informal conflict mechanisms.

The best research groups from the Netherlands will be invited. Top scientists from abroad, working in, for example Australia, China, Chili, Kenya, Rwanda, France, India and the US to participate in this great challenge, showcasing their contributions to justice research as examples for the research community. The great networks of The Hague's knowledge institutions will be used to find committed research partners in Africa and Asia. And this knowledge will serve and be co-developed with the organizations working in the field who are much closer to the points where knowledge can make a difference.

Doing and leading
by example



Doing and leading by example

The contours of a facilitating team are emerging. We have a mayor who knows how to pose a challenge and how to commit world leaders who lead by example. We have justice research brokers, and research teams that know how to measure justice and to break justice aspirations down into the little parts that together make up a conflict resolution mechanism. We have institutes from the Hague Academic Coalition, with great cultures for knowledge sharing and world class places for integrating views. In the Hague, we also have the world's best judges and administrators of courts around. We have committed people at the City Hall, in the Ministry of Foreign Affairs and in the Ministry of Justice. All these people have committed teams with them, who can organize thoughts, people, results and the different faces of justice.

We know that the story is made while it unfolds and that justice needs a better image than a blindfolded goddess with a sword. So we hope Bart Chabot will chronicle the making of global justice and that Anton Corbijn will know how to give justice a face. All these people carry The Hague's DNA. They know how an impossible challenge can inspire. They know how to turn failure into learning. They are what they do.

Sam Muller | Maurits Barendrecht | Jouke de Vries

Between September and November 2010 a unique process took place in The Hague in which 150 people intensively interacted with a view to bringing out the core of what 'the Hague' can offer the world in the field of peace and justice within the context of the newly established Hague Institute for Global Justice. The results of the interactive process are contained in the report "Hague Institute for Global Justice: Fact Finding and Building Blocks for Programming". Departing from The Hague's history and capabilities - its DNA - the process mapped out four focus areas with justice problems for which new solutions are needed. It also identified clear parameters for a way of working. In this booklet, the authors of that report tell the story of The Hague's DNA and how to build on it.

The Hague, February 2011