
THE LENS

THIS ISSUE'S FEATURED ARTICLE:

Is Justice Necessary in International Relations?

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IS JUSTICE NECESSARY IN INTERNATIONAL RELATIONS?

The current international situation is raising issues of justice in the global arena. While the Ukraine is dominating the headlines, the situation in places like Yemen also demand our attention.

During the 20th century the issue of justice in international relations increasingly came to the fore. As the century came to an end and we entered the 21st century, issues of justice have become common-place. Before we go further, it is important to distinguish between the need for justice, and the way that justice is practiced in the international arena.

The international state system is the result of the imposition of the notion of the state as an organising principle which originated in Europe. In 1648 the Treaty of Westphalia enshrined external sovereignty as the basis of the relationship between states. The idea that states had a right to non-interference in their affairs and the right to be independent took hold. The earliest jurist who elucidated the idea was Emmerich de Vattel in his work *Law of the Nations* (1758).

In our own times the United Nations enshrined the idea in Declaration on the Inadmissibility of Intervention and Interference in the Domestic Affairs of States in 1965; and the International Court of Justice reiterated the principle in 1986 (with the US invasion of Nicaragua) and 2005 when the Ugandan government supported rebel forces in the Democratic Republic of Congo.

Realist Theory, which has dominated the discourse, posited that the state system is composed of sovereign entities that interact on the basis of power and self-interest. In essence, the idea of justice was something relegated to the internal workings of states. As time progressed, however, a set of norms, rules and eventually international law developed. While the issue of enforcement of these instruments remains a challenge, it was recognised that for stability and order, that some form of code for conduct is required.

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No set of rules is value free. Every norm or law is based on a notion of what correct behaviour is and what behaviour is considered to be unacceptable. This started a debate in international relations that continues today: if there is to be justice, whose justice? Who defines what it is? Who enforces it?

The international system is predicated on the idea that there needs to be balance and order; that any disturbance in one part of the system leads to instability within the whole system. This is one of the reasons why the invasion of one state by another is seen as heinous.

The need for justice, however, goes well beyond the need for stability. Injustices between states has historically led to decades, if not centuries, of conflict and animosity. Historical memory and trauma lingers long in the consciousness of communities.

This brings us to the questions of whose justice and what justice is, in an international setting. Just as history belongs to the winners, justice in international relations is determined by those with power. We have seen, especially in the past century, how justice is used selectively as a blunt instrument. During the Cold War it was used on both sides as a means to promote one side and demean the other.

In a unipolar world, Western hegemony has seen the continuation of the discriminate use of the idea of justice to further the aims of the powerful, while conveniently ignoring their own indiscretions and escaping accountability for their actions.

The skewed application of justice in international relations should not deter us from demanding that justice is done. Rather than tossing aside the concept, we need to work to ensure that it is universally and uniformly applied. From a purely utilitarian approach, the application of this kind of “justice” in itself is unjust and will of necessity lead to further instability within the system.

The norms that exist currently need to be reviewed, debated and a new consensus reached. This is easier said than done and fraught with difficulty. But just because something is hard, should not preclude us from doing it. An axiomatic result will be the need to restructure current international institutions which perpetuate uneven power relations and colonial patterns.

The question of why justice is important remains as relevant today as at any other time in history. Pragmatically, if justice is done, then the system will be more stable and less prone to conflict. There are those who argue that had Germany not been so harshly penalised after the First World War, that the foundations for the Second World War would not have been laid.

But the question goes beyond utility. Justice is important in international relations for the same reason that it is important in domestic jurisdictions: justice allows for the restoration of relationships, accountability and healing. It reasserts dignity and recognises the harm that has been done. It ensures that the roots for future conflict can be averted by mitigating trauma and revenge fantasies from taking hold.

We need to allow for the application of Transitional Justice principles. Many countries around the world have not had the opportunity to tell their stories: the continuing communal effect of slavery and colonialism has yet to be addressed. Cold War crimes, from invasions to regime change, have yet to be addressed on all sides. We have yet to see reparations and redress of the atrocities committed.

In addition, it is also important to consider other elements of Transitional Justice: there need to be prosecutions and acknowledgement of the harms done; as well as mechanisms for memorialisation.

In our present context, the issue of justice is topical: how do we ensure justice for Ukraine? While this is the most obvious example, there are many others. How do we ensure justice for South American, Caribbean, African and Asian countries affected by slavery and colonialism? How do we address the instances of Western aggression in their War on Terror? What do we do about the continuation of the sale of arms to repressive regimes, which prioritize profit over human rights?

These are all questions to be addressed. They are hard, complex and require careful consideration and dialogue. If we truly want a stable, peaceful world, then the pursuit of justice is necessary.

While it may be a difficult road ahead, the words of Martin Luther King, Jr should inspire us:

“The moral arc of the universe is long, but it tends towards justice”.