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Project work

«International Justice and Security»

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Themes

- International Justice
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International Justice



- For centuries, jurists defined international law largely in terms of relations between sovereign states. After the Second World War it became clear that states did not always safeguard the rights of their citizens and the issue of protecting individuals became more important in international law. Consequently, individuals became increasingly seen as subjects of international law. In the 1990s, the Security Council set up special tribunals for the Former Yugoslavia and Rwanda to address the legal responsibilities of individuals in those conflicts.



- In 2002, the International Criminal Court came into being with a broad mandate to consider genocide, war crimes, crimes against humanity and the crime of aggression. While very promising, the ICC has become embroiled in criticism that it focuses almost exclusively on criminal cases in Africa, without looking at breaches of the law elsewhere. Some also argue that legal prosecution by the ICC may prevent political solutions to conflicts and neglect the opportunity of negotiated settlements of disputes.



- National courts have now begun to exercise jurisdiction over political leaders of other states under a concept known as "[Universal Jurisdiction](#)". This allows national courts to pursue serious crimes even if committed by non-nationals and if the crime took place in another jurisdiction. The case of Augusto Pinochet broke new ground in 1998, when the former Chilean dictator was charged in Spain and arrested in the UK for crimes committed in Chile. Other high officials, such as Henry Kissinger of the US and Ehud Barak of Israel have been pursued in numerous jurisdictions and cannot travel freely for fear of arrest. This section tracks these and other developments.

- The [International Court of Justice](#) is the UN system's highest judicial body. The ICJ settles legal disputes between states, who must agree to abide by the Court's jurisdiction before their case will be heard. The ICJ also gives advisory opinions on legal questions submitted to it by UN bodies and agencies. In this section, we give particular emphasis to the relationship between the ICJ and the Security Council.
- We follow not only cases in the [Yugoslavia](#) and [Rwanda](#) tribunals, but also developments at the UN Special Courts in [Sierra Leone](#), [Lebanon](#), [Cambodia](#) and [East Timor](#). In addition, the page covers discussions about the trials of former top officials in domestic courts in light of international law principles.

- ◉ The people listed in the "[Rogues Gallery](#)" serve as examples of individuals responsible for international crimes. Some of these persons have already been indicted by tribunals, others have not. We include examples from five continents. Special pages exist for; [Viktor Bout](#), [Radovan Karadzic](#), [Bob Kerrey](#), [Henry Kissinger](#), [Joseph Kony](#), [Ratko Mladic](#), [Donald Rumsfeld](#), [Charles Taylor](#), [General Wiranto](#), [Augusto Pinochet](#), [Foday Sankoh](#), and [Ariel Sharon](#).
- ◉ Since the 1980s, plaintiffs have used the [US Alien Tort Claims Act](#), a law originally passed in 1789, to bring civil suits in US courts against individuals who have violated "the law of nations." Recently, human rights activists have used the ATCA to sue transnational corporations for violations of international law outside the US.
- ◉ We offer a special coverage of the [US, the UN and International Law](#). The George W. Bush administration was especially adamant in rejecting the jurisdiction of international law over US citizens and refusing to ratify the statute of the ICC. By contrast, the Obama administration expresses greater support for international law, but its adherence remains limited.
- ◉ A theoretical analysis of many legal issues is to be found in our Universal Justice section. Other materials of interest can be found under [General Articles](#) and [Links and Resources](#).



International security

- ◉ Also called **global security**, refers to the amalgamation of measures taken by states and international organizations, such as the United Nations, European Union, Association of Southeast Asian Nations, and others, to ensure mutual survival and safety. These measures include military action and diplomatic agreements such as treaties and conventions. International and national security are invariably linked. International security is national security or state security in the global arena.
- ◉ With the end of World War II, a new subject of academic study focusing on international security emerged. It began as an independent field of study, but was absorbed as a sub-field of international relations. Since it took hold in the 1950s, the study of international security has been at the heart of international relations studies. It covers labels like "security studies", "strategic studies", "peace studies", and others.
- ◉ The meaning of "security" is often treated as a common sense term that can be understood by "unacknowledged consensus". The content of international security has expanded over the years. Today it covers a variety of interconnected issues in the world that have an impact on survival. It ranges from the traditional or conventional modes of military power, the causes and consequences of war between states, economic strength, to ethnic, religious and ideological conflicts, trade and economic conflicts, energy supplies, science and technology, food, as well as threats to human security and the stability of states from environmental degradation, infectious diseases, climate change and the activities of non-state actors.
- ◉ While the wide perspective of international security regards everything as a security matter, the traditional approach focuses mainly or exclusively on military concerns.

Concepts of security in the international arena

- ◉ National security & Definitions
- ◉ Edward Kolodziej has compared international security to a Tower of Babel and Roland Paris (2004) views it as "in the eye of the beholder". Security has been widely applied to "justify suspending civil liberties, making war, and massively reallocating resources during the last fifty years".
- ◉ Walter Lippmann (1944) views security as the capability of a country to protect its core values, both in terms that a state need not sacrifice core values in avoiding war and can maintain them by winning war. David Baldwin (1997) argues that pursuing security sometimes requires sacrificing other values, including marginal values and prime values. Richard Ullman (1983) has suggested that a decrease in vulnerability is security.
- ◉ Arnold Wolfers (1952) argues that "security" is generally a normative term. It is applied by nations "in order to be either expedient—a rational means toward an accepted end—or moral, the best or least evil course of action". In the same way that people are different in sensing and identifying danger and threats, Wolfers argues that different nations also have different expectations of security. Not only is there a difference between forbearance of threats, but different nations also face different levels of threats because of their unique geographical, economic, ecological, and political environment.
- ◉ The concept of an international security actor has extended in all directions since the 1990s, from nations to groups, individuals, international systems, NGOs, and local governments

The Multi-sum security principle

- Traditional approaches to international security usually focus on state actors and their military capacities to protect [national security](#). However, over the last decades the definition of security has been extended to cope with the 21st century globalized international community, its rapid technological developments and global threats that emerged from this process. One such comprehensive definition has been proposed by [Nayef Al-Rodhan](#). What he calls the "Multi-sum security principle" is based on the assumption that "in a globalized world, security can no longer be thought of as a [zero-sum game](#) involving states alone. Global security, instead, has five dimensions that include human, environmental, national, transnational, and transcultural security, and therefore, global security and the security of any state or culture cannot be achieved without good governance at all levels that guarantees security through justice for all individuals, states, and cultures."
- Each of these five dimensions refers to a different set of substrates. The first dimension refers to [human security](#), a concept that makes the principle referent object of security the individual, not the state. The second dimension is [environmental security](#) and includes issues like [climate change](#), [global warming](#), and access to resources. The third substrate refers to [national security](#), defined as being linked to the state's monopoly over use of force in a given territory and as a substrate of security that emphasizes the military and policing components of security. The fourth component deals with transnational threats such as organized crime, [terrorism](#), and human trafficking. Finally, the integrity of diverse cultures and civilisational forms tackles the issue of transcultural security. According to this multi-faceted security framework all five dimensions of security need to be addressed in order to provide *just* and *sustainable* global security. It therefore advocates cooperative interaction between states and peaceful existence between cultural groups and civilizations.

- Traditional security
- The traditional security paradigm refers to a [realist](#) construct of security in which the referent object of security is the state. The prevalence of this theorem reached a peak during the [Cold War](#). For almost half a century, major world powers entrusted the security of their nation to a [balance of power](#) among states. In this sense international stability relied on the premise that if state security is maintained, then the security of citizens will necessarily follow.¹ Traditional security relied on the anarchistic balance of power, a military build-up between the United States and the Soviet Union (the two superpowers), and on the absolute sovereignty of the nation state. States were deemed to be rational entities, national interests and policy driven by the desire for absolute power. Security was seen as protection from invasion; executed during proxy conflicts using technical and military capabilities.
- As [Cold War](#) tensions receded, it became clear that the security of citizens was threatened by hardships arising from internal state activities as well as external aggressors. [Civil wars](#) were increasingly common and compounded existing poverty, disease, hunger, violence and human rights abuses. Traditional security policies had effectively masked these underlying basic human needs in the face of state security. Through neglect of its constituents, nation states had failed in their primary objective.
- More recently, the traditional state-centric notion of security has been challenged by more holistic approaches to security. Among the approaches which seeks to acknowledge and address these basic threats to human safety are paradigms that include cooperative, comprehensive and collective measures, aimed to ensure security for the individual and, as a result, for the state.
- To enhance international security against potential threats caused by terrorism and organized crime, there have been an increase in international cooperation, resulting in [transnational policing](#). The international police [Interpol](#) shares information across international borders and this cooperation has been greatly enhanced by the arrival of the Internet and the ability to instantly transfer documents, films and photographs worldwide.

Women in international security

- As stated previously on this page, international and national security are inherently linked. U.S. Secretary of State [Hillary Rodham Clinton](#) has been prominent in highlighting the importance of women in national and thus international security. In what has been referred to as "[the Hillary Doctrine](#)", she highlights the adversarial relationship between extremism and women's liberation in making the point that with women's freedom comes the liberation of whole societies. As states like [Egypt](#) and [Pakistan](#) grant more rights to women, further liberation and stability within such countries will inevitably ensue, fostering greater security throughout the international realm. Along the same lines, Secretary of State John stated that "no country can get ahead if it leaves half of its people behind. This is why the United States believes gender equality is critical to our shared goals of prosperity, stability, and peace, and why investing in women and girls worldwide is critical to advancing US foreign policy". Elevating women to equal standing internationally will help achieve greater peace and security. This can be seen in both developmental and economic factors, as just two examples among many. Built into American foreign policy is the idea that empowering women leads to greater international development due to their increased ability to maintain "the well-being of their families and communities, drive social progress, and stabilize societies." Female empowerment through economic investment, such as supporting their participation in the workforce, allows women to sustain their families and contribute to overall economic growth in their communities. Such principles must be propagated nationally and globally in order to increase the agency of women to achieve the necessary gender equality for international security.
- There is much consideration within feminist [international relations](#) (IR) surrounding the importance of female presence to international security. The inclusion of women in discussions surrounding international cooperation increases the likelihood of new questions being asked that may not be given consideration in an otherwise masculine-dominated environment. As a renowned theorist within Feminist IR, [J. Ann Tickner](#) points out questions that women would likely be more inclined to ask in regards to war and peace. For example, why men have been the predominant actors in combat, how gender hierarchies contribute to the legitimization of war, and the consequences of associating women with peace. In general, the main issue of concern to feminists within IR is why in political, social, and economic realms, femininity remains inferior to masculinity, as they see the effects of this transcendental hierarchy both nationally and internationally. Such considerations contribute significant perspective to the role that women play in maintaining peaceful conditions of international security.
- Despite acknowledgment of the importance of recognizing women's role in maintaining international security by Clinton, Kerry, and conceivably many others, the fact remains that women are disproportionately present as victims, rather than actors or leaders. This can be derived by looking at information and statistics presented in Joni Seager's book *The Penguin Atlas of Women in the World*. For example, in combat zones, women face heightened risks of sexual assault, and their familial responsibilities are complicated by reduced access to necessary resources. In terms of governmental presence, (to support their role as leaders), women have not yet achieved equal representation in any state, and very few countries have legislative bodies that are more than 25% female.¹ While prominent female politicians are becoming more frequent, "women leaders around the world like those who become presidents or prime ministers or foreign ministers or heads of corporations cannot be seen as tokens that give everyone else in society the change to say we've taken care of our women". This statement by Clinton reiterates the necessity to confront such on-going challenges to female participation, making such issues pertinent to international security.

Human security

- Human security derives from the traditional concept of security from military threats to the safety of people and communities. It is an extension of mere existence (survival) to well-being and dignity of human beings. [Human security](#) is an emerging school of thought about the practice of international security. There is no single definition of [human security](#), it varies from "a narrow term of prevention of violence to a broad comprehensive view that proposes development, [human rights](#) and traditional security together." Critics of the concept of human security claim that it covers almost everything and that it is too broad to be the focus of research. There have also been criticisms of its challenge to the role of states and their sovereignty.
- Human security offers a critique of and advocates an alternative to the traditional state-based conception of security. Essentially, it argues that the proper referent for security is the individual and that state practices should reflect this rather than primarily focusing on securing borders through unilateral military action. The justification for the human security approach is said to be that the traditional conception of security is no longer appropriate or effective in the highly interconnected and interdependent modern world in which global threats such as poverty, environmental degradation, and terrorism supersede the traditional security threats of interstate attack and warfare. Further, state-interest-based arguments for human security propose that the international system is too interconnected for the state to maintain an [isolationist](#) international policy. Therefore, it argues that a state can best maintain its security and the security of its citizens by ensuring the security of others. It is need to be noted that without the traditional security no human security can be assured.

Conclusion

International justice and security should have a lot in common in order to regulate law enough well in different aspects (decision)

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