

**9<sup>TH</sup> ANNUAL HAC CONFERENCE – FROM PEACE TO JUSTICE 2012**  
***The Politics of Justice: From a Human Rights Revolution to Global Justice?***

**12 – 13 October 2012**  
**International Institute of Social Studies, The Hague**

**1. BACKGROUND**

Twenty years ago, Martti Koskenniemi (1990) published a ground-breaking article in the inaugural issue of the *European Journal of International Law*. Entitled ‘The Politics of International Law’, the article launched a vigorous debate among political scientists and lawyers alike regarding the content, nature and functioning of international law and legal institutions. Koskenniemi critiqued the liberal, normative tendency that sets the rule of law above a serious engagement with politics. He argued that lawyers’ reverence for an international legal order avoids a serious discussion that ‘social conflict must still be solved by political means’ (Ibid: 7). He further argued that while there may well be a common understanding on the ‘rhetoric’ of international legal norms, including the language of human rights, it is still necessary to rely on political principles to justify how the global legal order resolves international disputes, very often involving mass atrocities. Cautioning against an over-reliance on legal certainty, Koskenniemi anticipated that lawyers would be obliged to venture into other disciplines, including politics, sociology and economics (Ibid: 32).

Indeed, in the twenty years that passed since Koskenniemi’s article was published, substantial developments took place in legal education and scholarship, and in legal practice. Through the development of international norms and institutions, to which Ignatieff (1999) referred as a (human) ‘rights revolution’, with juridical, advocacy and enforcement dimensions, global governance has expanded. As part of this revolution human rights enforcement institutions emerged including the establishment of expert committees to investigate states’ compliance with human rights treaties. The Security Council, representing the traditional (post-war) centers of power, at times, and highly selectively, intervened to put an end to situations of ‘serious human rights violations’. In recent years, the Security Council also established ad hoc criminal tribunals to investigate and punish high-profile politicians and military commanders for international crimes. Another significant development for international law-making processes is that NGOs have come to play an ever more important role in the development of international legal norms through their active participation in international policy-making processes, and in advancing international justice through their support and close interactions with both human rights and international criminal law enforcement institutions.

However, these efforts to universalize human rights through institutions established by legal instruments have limits if they are not consistent with the political interests of powerful states. Indeed, there has been considerable resistance from the traditional centers of power to establish a permanent and independent international criminal court to address the crimes of individuals and the failure of states to protect their citizens.

The global character of the human rights revolution, and more broadly efforts to advance global justice (from legal, cultural, economic, environmental, development and other standpoints) have been paralleled

by dramatic changes in the political constellation of states and this compels us to revisit the content and purpose of international law. For example, it is anachronistic that the founding documents and institutions of the United Nations have remained unchanged, despite an exponential growth in the number of states since the Second World War. Furthermore, understanding global justice in terms of universalizing human rights alone is not productive.

Further, bipolar global politics of the cold war have given way to multipolar interests. The powerful US-European alliance that reshaped the global economy through what became known as the “Washington Consensus” now faces a major economic crisis that has had global repercussions that laws and financial institutions are struggling with. Similarly, efforts to bring peace, through law and legal institutions, between Israel and the Palestinians, between Morocco and the Saharawis, new groupings of states have emerged, notably the so-called “BRICS” countries, spurred on by emerging economies in Brazil, Russia, India, China and South Africa. But while the traditional economic and political centers are shifting, the most powerful of the post-war institutions, the Security Council, remains essentially unchanged. These economic and political shifts have been accompanied by growing gaps in a range of social and economic indicators, both between the global north and south and within nation-states. These shifts have also been accompanied by a growing, collective awareness that the world’s environment is potentially seriously threatened, not by the acts of individual states, but by the acts of many.

While efforts to promote and protect human rights and to respond to international crimes through law and legal institutions are firmly established and expanding, far greater challenges have been revealed. These global justice challenges include the inability of international institutions to anticipate or adequately respond to the global economic crisis, stagnated peacemaking efforts that have so far resisted legal interventions, United Nations institutions that are in great need of reform, efforts to address poverty on a global scale and even the challenges of phenomena such as global climate change. Now, perhaps more than ever, lawyers need to draw on other sources of knowledge and approach contemporary challenges with more than legal and institutional approaches to secure a just future.

In short, the human rights revolution of the 20<sup>th</sup> century has been overtaken by possibly far greater challenges of securing global justice. And yet, it remains very unclear what are the implications of this for lawyers and legal institutions. This should compel all who are engaged with the law to heed Koskenniemi’s warning that we engage with other sources of knowledge, particularly in addressing global issues, which are often highly contested.

## **2. CONFERENCE OBJECTIVES, QUESTIONS & GUIDING THEMES**

The aim of the HAC Conference is to stimulate critical debate, drawing on the expertise of the Hague Academic Coalition and its sizeable international network. Scholars, NGOs and practitioners of the many international institutions in The Hague, from a variety of legal and non-legal backgrounds, will be invited to participate. An academic book publication will be produced as an outcome of the conference, based on a selection of conference papers.

The conference will be guided by certain key questions. How can we define global justice? To what extent, if at all, have the roles of states and international organisations been affected by the above-sketches transformation from rights to global justice? To what extent do non-governmental organisations (NGOs)

play a role in promoting global justice; and has their role been overstated? Why have many of the main world powers been so selective in their embracing of human rights and international (criminal) justice? To what extent has the rights revolution led to real and permanent change? Are lawyers prepared to confront the political nature of their work; for what reasons, and to what ends? Where is the link between the theory and practice of global justice?

This conference will critically reflect on these and other associated questions in exploring the politics of law and international justice from both legal and inter-disciplinary perspectives. Guiding themes are:

1. The rights revolution and contemporary changes
2. International criminal justice: challenging impunity through law and other justice efforts
3. Global justice and international law?

### **3. CALL FOR PAPERS / EXPRESSIONS OF INTEREST**

We kindly invite expressions of interest, with a title and abstract of a paper (300 words maximum) dealing with one or more of the above questions and themes, to be presented at the meeting of day two. Deadline for abstracts: 15 May 2012 to be sent to [secretariat@haguecoalition.org](mailto:secretariat@haguecoalition.org).

*NOTE: Deadline call for papers has expired.*

### **4. CO-ORDINATION & PREPARATORY COMMITTEE**

The conference will be hosted by The Hague Academic Coalition. More information about the HAC and its members can be found at [www.haguecoalition.org](http://www.haguecoalition.org). The conference is being prepared by Dr. Jeff Handmaker of the International Institute of Social Studies (ISS) of Erasmus University Rotterdam and Sofia Gerards of The Hague Academic Coalition. For further information and questions on the content of the conference, contact Dr. Jeff Handmaker – [handmaker@iss.nl](mailto:handmaker@iss.nl). For information on all other aspects of the conference, contact Ms. Sofia Gerards – [sofia.gerards@haguecoalition.org](mailto:sofia.gerards@haguecoalition.org) / Tel: (+ 31) 70-4260 494/506.

### **5. VENUE**

This HAC event will take place in The Hague, international city of justice and peace. This year the conference venue will be the International Institute of Social Studies (ISS) in its historic building located on the Kortenaerkade 12, which also houses the HAC secretariat.

The event will also form part of the 60-year lustrum of the International Institute of Social Studies.

Opening session: Friday 12 October 2012, 15.30 – 18.00h

Main conference: Saturday 13 October 2012, 09.00 – 18.00h



ISS Building on the Kortenaerkade in The Hague