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SOCIAL CONTRACT THEORY AND THE INTERNATIONAL NORMATIVE ORDER: A NEW GLOBAL ETHIC?

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Abstract. *Although people establish norms that enable them to live together, some of these have to be coupled with a system of enforcement. This conforms to broad social contract theory and can also be applied to the international sphere. The international community is also based on a system of norms. However, unlike the domestic context, there is no overarching authority to direct states on what they should do. Rather it is left to states themselves to police this framework. However, this has resulted in one of the conditions envisaged by social contract theorists, namely a stasis between the command order and the state of nature. This may explain, for instance, the indifference to some modern human rights violations. Hence the current system of International law, with its insistence on the Westphalian principle of equality of states has caused a substantial fracture in the enforcement of international law, particularly when it comes to serious human rights breaches, and caused something akin to the state of nature envisaged by social contract theorists. While it may be practically impossible to provide a command system in the international sphere similar to the one in the domestic life, there is some hope that a revised deontological ethic founded on global integration may provide one impetus for change.*

Keywords: *United Nations, norms, social contract theory, human rights, global morality.*

1. Introduction: a Normative Order

The framework of international norms that was posited after the Second World War was meant to establish a new world order in which states accepted that they could no longer enjoy the same laxity that they had for the previous three hundred years.¹ They had to restrict their behaviour according to universal values and norms. The United Nations Charter epitomized this and required, amongst other things, that states ‘reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small’², and subsequent treaties, particularly the Convention on the Prevention and Punishment of the Crime of Genocide (‘the Genocide Convention’),³ and the Convention relating to the Status of Refugees, exemplified this new spirit.

The Genocide Convention, in particular, was meant to embody the fortitude of the international community to ensure that this most heinous and serious crime was never committed again. It was estimated that approximately twenty million people died during the Second World War. This moved Raphael Lemkin to develop the concept of ‘Genocide’ to describe the ‘crime without a name’, on the basis that the conspiracy to exterminate national, religious or racial groups should be punished.⁴ The international community resolved to codify this as an international crime and the final text of the Convention was adopted on 9 December 1948 by the Third UN General Assembly meeting in Paris.

However, apart from the actual positive norms contained in the Convention, the requirement to prevent mass killings is also a requirement *jus cogens* and *obligatio erga omnes*. The United Nations provided that it was a universal norm to protect the fundamental dignity of the human being and as part of this, states had to take steps to prevent gross and systematic violations of human rights.⁵

2. International Realism before 1945

As discussed, the United Nations established a normative framework to protect global well-being. Generally, the Peace of Westphalia of 1648 and other events after it had encouraged states to pursue their own self-interests. As Leo Gross, for example, writes:

‘In the political field, [the Peace of Westphalia] marked man’s abandonment of the idea of a hierarchical structure of society and his option for a new system characterized

1 Gross, L. The Peace of Westphalia, 1648-1948. *The American Journal of International Law*. 1948, 42(1): 20-41.

2 Article 2, United Nations Charter. Adopted at San Francisco 26 June 1945. Entered into force 24 October 1945, 1 U.N.T.S. xvi; U.K.T.S 67 (1946).

3 Convention on the Prevention and Punishment of the Crime of Genocide. Adopted 9 December 1948, entered into Force 12 January 1951. 78 U.N.T.S 277.

4 Lemkin, R. Genocide. *American Scholar*. 1946, 15(2): 227-230.

5 See generally Cherif Bassiouni, M. International Crimes: *Jus Cogens* and *Obligatio Erga Omnes*. *Law and Contemporary Problems*. 59(4): 63-74.

by the coexistence of a multiplicity of states, each sovereign within its own territory, equal to one another, and free from any external earthly authority.’⁶

Hence, it can be argued that, in some respects, in the aftermath of the Peace, international relations were broadly characterized by something akin to the Nietzschean ‘Superman’.⁷ States had generally abandoned the constraints founded on dogma to pursue their own national interests. This may explain why this phase marked the beginning of the oppression of many indigenous people in the new world, notwithstanding that it would have gone against many universal moral dictates.⁸

The same ‘real’ idea of international justice can also explain a number of other developments before the institution of the United Nations in 1945. For example, as states were settling many of these newly discovered lands, they required intensive labour to work the plantations and thus turned to Africa.⁹ Hence, despite a number of rational moral imperatives that would have generally required them to respect the dignity of all people by treating them as ends,¹⁰ they still decided to overreach these general deontological values by transporting people from Africa to the West.¹¹

In many respects, it can be argued that states were becoming the archetypal supermen ready to cast off any shroud of morality in favour of national self-interest. Indeed, it has certainly been said that, later, the National Socialist German Workers Party based some of their ideas on Nietzschean principles when devising their policies. Some people comment that Hitler based his idea of the supremacy of the Aryan race on Nietzsche’s philosophy that people should abandon their morality, or the way in which they treat other people, in order to assert their own will to power,¹² though it should certainly be recognised that some people have seen Nietzsche’s philosophy as positive and life-affirming rather than destructive.

The United Nations marked a significant turning point in the international sphere by positing a new ethical order. Although there had been a number of developments before 1945 that had hinted at the development of a more moral world system, including the abolition of slavery, the various Hague and Geneva Conventions on War protecting people against the use of particular weapons, and, of course, the League of Nations,

6 Gross, L., *supra* note 1, p. 28.

7 See, generally, Nietzsche, F. *The Will to Power*. Translated by Kaufmann, W.; Hollingdale, R. J. New York: Vintage Books, 1968, p. 349, No. 663.

8 See, for example, *The Law of Nations; or Principles of the Law of Nature, Applied to the Conduct and Affairs of Nations and Sovereigns*. de Vattel, E.; Chitty, J. (eds.). With Additional Notes and References by Edward D. Ingraham, Esq. Philadelphia: T. & J.W. Johnson, 1854, reprinted 2005, p. 134–135.

9 See also Solomon, R. C.; Higgins, K. M. *A Short History of Philosophy*. Oxford University Press: 1996, p. 192–194.

10 Kant, I. *Critique of Practical Reason*. New York: Dover Publications, 1909, p. 31.

11 See, generally, Reich, J. The Slave Trade at the Congress of Vienna—A Study in English Political Opinion. *The Journal of Negro History*. 1968, 53(2): 129–143; See also Bethell, L. The Mixed Commissions for the Suppression of the Transatlantic Slave Trade in the Nineteenth Century. *The Journal of African History*. 1966, 7(1): 79–93.

12 For a discussion on how the Nazi party used Nietzsche ideas to persecute refugees see Brinton, C. The Nationalist Socialists’ use of Nietzsche. *Journal of the History of Ideas*. 1940, 1(2): 132 ‘The works of Nietzsche are one of the principal divisions of the National Socialists Holy Writing.’

these were not sufficient in themselves to prevent conflict. Instead, it required the developments at Dumbarton Oaks and San Francisco to manifest a strong enough will to ensure that state behaviour was controlled.¹³

3. The New International Order: a Brief Philosophical Reflection

The United Nations Charter and other regional systems after the War epitomized this new collective normative order. While it was, indeed, recognized that the interests of the state were fundamental, it was also understood that states were rational entities that could appreciate the need to act morally given what had occurred during the War.¹⁴ Amongst some of the norms contained in the Preamble, as mentioned above, were that states ‘reaffirm faith in fundamental human rights, in the dignity and worth of the human person’ and ‘practice tolerance and live together in peace.’

There are a number of philosophical paradigms that can be applied here. It can be argued, for example, that the United Nations system reflected the Aristotelian conception that the best communities were those that shared common virtues and ideals that enabled all of their members to flourish.¹⁵

The UN system also has a broad social contract dimension in that states agreed to co-operate, and afford each other the same treatment that they would expect for themselves, in order to prevent the state of war that had decimated most of the world during the beginning of the previous century.¹⁶

Whichever idea is used, the end of the Second World War certainly, in theory, heralded a significant shift from the covetous order that existed before the War to a wider moral one.

Despite the best intentions of the international community to establish a new international normative order to ensure that what had occurred before the Second World War was prevented, at base, and maybe unavoidably, it maintained the status quo in one chief respect, namely the sovereignty of states. Article 2(7) of the UN Charter provided that:

‘Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.’¹⁷

13 See, generally, Glendon, M. A. *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House, 2001.

14 See, generally, Linklater, A. *The Transformation of Political Community: Ethical Foundations of the Post-westphalian Era*. Polity Press, 1998.

15 Aristotle *Politics*. Translated by Barker, E. Revised and edited by Stalley, R. F. Oxford: University Press, 1995, p. 87.

16 See, for example, Hobbes, T. *Leviathan*. Macpherson, C. B. (ed.). London: Penguin Books, 1985, of Commonwealth, Chapter XVII, p. 223.

17 UN Charter, *supra* note 2.

Although Article 2(7) provides that this should not prejudice the ‘application of enforcement measures’ contained in Chapter 7, even this was not enough because it essentially depends on the strength of the political will of the Security Council.

Article 2(7) has a number of jurisprudential and practical ramifications for the enforcement of international law.

For example, there has been considerable debate, in some circles, on whether international law can be properly regarded as law. For instance, according to John Austin:

‘Every law or rule (taken with the largest signification which can be given to the term properly) is a command. Or, rather, laws or rules, properly so called, are a species of command.’¹⁸

Hence, Austin argued that international law is ‘law improperly so called’ because it is not ‘commanded’, but is an agreement between two equal sovereign states. However, other jurists have countered this. For example, Heinrich Trippel says that:

‘rather the source of international law was said to lie in the common will of states. More specifically, it lay in law making agreements reached explicitly (treaties) or implicitly (custom). Once a law making agreement had been created by the common will of the states via an act of explicit or implicit agreement, those same states were no longer free to repudiate it by a subsequent unilateral act of will. They remained legally bound by the original act of common will.’¹⁹

On this basis, international law is law because the states have agreed to be bound by it.

However, what both these schools and some others share in common is that the state is not bound by a directive in the same way that a human being would be in the domestic sphere. In both cases, it is recognized that a state is only bound to the extent that it decides; in other words, generally, by its own good faith.²⁰

Apart from such general jurisprudential ramifications, however, Article 2(7) of the UN Charter also has other practical effects.

As mentioned, it says that no state can interfere in matters that are in the domestic jurisdiction of another state. However, there is an exception to this. A Security Council State can interfere under its Chapter 7 powers in order to respond to a threat to international peace and security.

The complication with this is that such action requires the concordance of at least the five permanent members of the Security Council, who, for their own reasons, may not necessarily agree to a particular humanitarian course of action. An example of this impasse was the indifference that led to the Genocide of the Tutsis in Rwanda.²¹ This will be discussed further below.

18 Austin, J. *The Province of Jurisprudence Determined*. New York: Prometheus Books, 2000, p. 13.

19 Cited in Hall, S. The Persistent Spectre: Natural Law, International Order and Limits of Legal Positivism. *European Journal of International Law*. 2001, 12(2): 283.

20 See generally Article 26, ‘Pacta sunt servanda’, Vienna Convention on the Law of Treaties, Done at Vienna on 23 May 1969. Entered into force on 27 January 1980, United Nations. *Treaty Series*. vol. 1155, p. 331.

21 Barnett, M. N. The UN Security Council, Indifference, and Genocide in Rwanda. *Cultural Anthropology*. 1997, 12(4): 551–578.

Although the International Community has been more constructive of late in developing new ways to enforce the international human rights law,²² these efforts have too been highly affected by the matters discussed above. For example, the International Criminal Court was meant to be a symbol of hope for the enforcement of human rights. But despite its indubitable promise, states cannot be commanded to accept the jurisdiction of the Court in the same way that a human being would be bound by positive domestic law. They still retain the general discretion to decide whether they should ratify the Rome Statute and a number have refused to do so.

Hence, Article 2(7) of the Charter continues to affect the enforcement of human rights.

4. An Argument from Realism

It is arguable that the effectiveness of any normative order is based on enforcement, whether this be based on simple reciprocity or a stronger system of command. Going back to the general mention of social contract theory above, what mainly holds any normative order in place is that it is based on a system of enforcement. Otherwise there is a chance that it may fall back into a state of nature.²³ It follows that in the absence of a strong system of command, the international system, too, largely remains anarchical.²⁴ While states may morally recognize a deontological imperative, real interests continue to dominate.

A number of diverse theories have been given for this. Strong international realists like Hans J. Morgenthau, for example, say it is because states basically covet power:

‘The main signpost that helps political realism to find its way through the landscape of international politics is the concept of interest defined in terms of power <...> We assume that statesmen think and act in terms of interest defined as power, and the evidence of history bears that assumption out. That assumption allows us to retrace and anticipate, as it were, the steps a statesman—past, present, or future—has taken or will take on the political scene. We look over his shoulder when he writes his dispatches; we listen in on his conversation with other statesmen; we read and anticipate his very thoughts. Thinking in terms of interest defined as power, we think as he does, and as disinterested observers we understand his thoughts and actions perhaps better than he, the actor on the political scene, does himself.’²⁵

Bradley A. Thayer has also used Charles Darwin’s ideas on evolution to analyse the relationship between states. It is commonly known that Darwin said that in any gi-

22 See, for example, UN General Assembly Resolution A/RES/63/308 on the Responsibility to Protect, 14 September 2009.

23 Hobbes, *supra* note 16.

24 See, generally, Allott, Ph. The Concept of International Law. In *The Role of Law in International Relations*. Byers, M. (ed.). Oxford: University Press, 2001, p. 85.

25 Morgenthau, H. J. *Politics among Nations: The Struggle for Power and Peace*. New York, 1978, p. 4–15; See, also, Koskeniemi, M. Carl Schmitt, Hans Morgenthau, and the image of Law in International Relations. In *The Role of Law in International Relations*. Byers, M. (ed.). Oxford: University Press, 2001, p. 20.

ven environment, only those species that can effectively adapt will survive.²⁶ Therefore, Thayer argued that states will naturally put their own interests first to maximize their chances of survival:

‘[Thus] evolutionary theory gives students of war a perspective not provided by psychological or systematic approaches and offers three important insights. First warfare is not uniquely human. Second, although it may seem paradoxical, evolutionary theory explains how warfare contributes to fitness. Third, evolutionary theory explains the role war plays in creating human societies.’²⁷

Herman C. Kelman also says that the reason for this disharmony between states is because their essential needs may collide. In these circumstances, each state will be inclined to act aggressively to ensure its own interests are protected first:

‘International or ethnic conflict must be conceived as a process in which collective human needs and fears are acted out in powerful ways. Such conflict is typically driven by non-fulfilments or threats to the fulfilment of basic needs. These needs not only include obvious material ones, such as food, shelter, physical safety, and physical well-being, but also, and very centrally, psychological needs, such as identity, security, recognition, autonomy, self esteem and a sense of justice.’²⁸

What this means is that in international law, in the absence of a strong basis for consensus, states will continue to put their interests first.²⁹ This resonates, to some extent, with what Hobbes says:

‘The final cause, end, design of men who naturally love liberty, and Dominion over others), in the introduction of that restraint upon themselves, (in which we see them live in commonwealths), is the foresight of their own preservations, and of a more contended life thereby; that is to say, of getting themselves out from that miserable condition of war, which is necessarily consequent (as has been shown) to the natural passions of men, when there is no visible power to keep them in awe, and tie them by fear of punishment to the performance of their covenants, and observation of those Laws of Nature set down in the fourteenth and fifteenth Chapters.’³⁰

5. Genocide: a Fracture in International Justice

The absence of a strong directive system, has, for instance, affected the way in which states uphold human rights, and in particular, the Genocide Convention. As dis-

26 Darwin, Ch. *The Origin of the Species*. London: Penguin Books, 1985, p. 116–117; see also Dawkins, R. *The Selfish Gene*. Oxford, 1989, p. 47–50.

27 Thayer, B. A. Bringing in Darwin: Evolutionary Theory, Realism, and International Politics. *International Security*. 2000, 25(2): 140.

28 Kelman, H. C. *Social-psychological dimensions in international conflict: Peacemaking in International Conflict – Methods and Techniques*. Zartman, I. W.; Rasmussen, J. L. (eds.). United States Institute of Peace Press, 1997, p. 194; see also Thomas Hylland Eriksen, *op. cit.*; Oren, N.; Bar-Tal, D.; David, O. Conflict, Identity and Ethos: The Israeli-Palestinian case. *Psychology of ethnic and cultural conflict* [interactive]. 2004, p. 134 [accessed 15-01-2010]. <http://www.intech.mnsu.edu/leey/07.133_154.pdf>.

29 See, for example, Bull, H. *The Anarchical Society*. 3rd edition. Columbia University Press, 2002.

30 Hobbes, *supra* note 16.

cussed, this represented a fundamental part of the order established after the Second World War. Owing to the lack of an effective directive structure, however, states have sometimes been hesitant to enforce the Convention's spirit.

For instance, in 1995, Bosnian Serbs attacked Muslims in the enclave of Srebrenica, in Bosnia and Herzegovina. The International Community was criticized for failing to respond to the plight of these people. Some reports suggest that 7,475 persons were killed during this Genocide.³¹ The United Nations conducted an investigation into the way in which states responded to Srebrenica. Its report concluded that:

'With the benefit of hindsight, one can see that many of the errors the United Nations made flowed from a single and no-doubt well-intentioned effort: we tried to keep the peace and apply the rules of peacekeeping when there was no peace to keep. Knowing that any other course of action would jeopardize the lives of the troops, we tried to create—or imagine—an environment in which the tenets of peacekeeping—agreement between the parties, deployment by consent, and impartiality—could be upheld. We tried to stabilize the situation on the ground through ceasefire agreements, which brought us close to the Serbs, who controlled the larger proportion of the land. We tried to eschew the use of force except in self-defence, which brought us into conflict with the defenders of the safe areas, whose safety depended on our use of force.'³²

Many others have commented, too, on how one of the fundamental reasons for the Genocide was that the states did not wish to endanger the lives of their own soldiers who were peacekeeping in Bosnia.

The same approach was also displayed during the Rwandan Genocide, during which an estimated 800,000 people were massacred. As Michael N. Barnett writes:

'A second reason for the consensus to reduce UNAMIRS role was that no country was willing to contribute its troops for an expanded operation or mandate. Although there was a brief discussion concerning the possibility of UNAMIRS intervening to halt the escalating bloodshed and to protect the civilian population, I was (and still am) unaware of a single member state who offered their troops for such an operation. Consequently, those on the Security Council, largely the non-permanent members, who were arguing for an intervention force had little ammunition; the Secretariat who would be responsible for carrying out the mandate was silent, and silence was widely interpreted as disapproval. No troop contributors were volunteering for an expanded force. Indeed, soon after the death of its soldiers, Belgium, which represented the backbone of UNAMIR, announced its immediate withdrawal, and no state offered replacements.'³³

Although there is a diverse range of reasons as to why the international community decided to not intervene in these Genocides, one of the reasons has also been given here. It is because in the absence of a strong directive system that required states to act in a particular way, the alternative method of expecting the Security Council to act under Chapter 7 of the UN Charter was in itself ineffective.

31 Brunborg, H.; Lyngstad, T. H.; Urdal, H. Accounting for Genocide: How Many Were Killed in Srebrenica? *European Journal of Population/Revue europeenne de Demographie*. 2003, 19(3): 229–248.

32 *The Fall of Srebrenica*. UN Secretary-General—Report, A/54/549a, 1999.

33 Barnett, *supra* note 21.

This was also displayed with respect to the atrocities committed in Darfur. The evidence suggests that both, the Sudanese government and the Arab militia (the Janjawid), were complicit in the killings of hundreds of thousands of indigenous tribes in Darfur. Many of these refugees had been forced to flee to other countries, such as neighbouring Chad, in order to defend themselves.

Although this conflict had been ongoing for several years, once again the United Nations and the international community were not as effective as they could have been in recognizing the plight of these persecuted people. As Nsongurua J. Udombana, for example, writes:

‘In the past three years the Security Council has repeatedly expressed its alarm that the violence in Darfur has continued unabated. It expresses “its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout Sudan, in particular the increase in the number of refugees and internally displaced persons”. It condemns “all violations of human rights and international humanitarian law... in particular the continuation of violence against civilians and sexual violence against women and girls”. The Council has expressed every sentiment except a desire to take a strong action to save victims of the Darfur Genocide.’³⁴

It is true that the UN Security Council adopted a number of resolutions with respect to Darfur. Resolution 1769 (2007), for instance, adopted by the Security Council at its 5727th meeting on 31 July 2007 said that it had decided:

‘in support of the early and effective implementation of the Darfur Peace Agreement and the outcome of the negotiations foreseen in paragraph 18 to authorise and mandate the establishment, for an initial period of 12 months of an AU/UN Hybrid operation in Darfur.’³⁵

Although the threat of sanctions could have supported the effectiveness of the Resolution, and would have gone a long way to ensure that the new normative order established after the Second World War was upheld, some states still made their objections heard. For example, Alana Tiemessen and Erin Williams write:

‘But in a recent turn of events, China made a subtle shift away from its role as a strategic broker by voting for Security Council Resolution 1769 authorizing 26,000 troops to be deployed to Darfur (albeit with a concession that withdrew the threat of sanctions).’³⁶

This is in many ways symptomatic of some of the deficiencies in international law. Although Darfur was an excellent opportunity for the international community to rigorously uphold the rule of international law, the interests of the Security Council at the time appear to have detracted from the force of this Resolution, ostensibly because of the absence of a strong enforcement system.

34 Udombana, N. Still playing dice with lives: Darfur and Security Council resolution 1706. *Third World Quarterly*. 2007, 28(1): 97–116.

35 United Nations Security Council Resolution 1769 (2007), adopted by the Security Council at its 5727th meeting, on 31 July 2007.

36 Tiemessen, A.; Williams, E. Leveraging Games: China’s Influence over Sudan. *Human Security Bulletin*. 2007, 5(3).

6. Conclusion: a New Global Ethic?

The general theme of social contract theory adopted here is that because of certain universal human tendencies people may not always be able to respect the rights of others. Therefore, a strong system of directives is required to facilitate their relations. This paradigm has also been applied to the international sphere and it has been argued that a stronger system of enforcement is required there as well. But, there are, of course, difficulties because of sovereignty.

So, what could be an appropriate answer? There doesn't necessarily have to be a Leviathan or an overarching authority to control states. Rather, a strong consensus or recognition of the importance of enforcing international law may suffice.

However, this is the basis on which the UN was founded, so why should things be any different now? Maybe global integration provides an answer. For example, at the Copenhagen Climate Change Conference in December 2009, although states were unable to agree on a binding treaty to control carbon emissions, there was a much stronger recognition that because of globalization, and the way in which issues transcend national borders, states ought to have done more to defend universal well-being.

One of the questions that this poses, however, is where did this global expectation come from? Whilst there should be an expectation that political leaders will act in a fair way when it comes to domestic issues, why did people require the international body politic at Copenhagen to act similarly? One of the reasons for this may be the new global ethic that the last two decades, in particular, have created.

The word 'morality' generally tends to get a bad press in some quarters because it is assumed that it is a directive for people to act in a particular way. For that reason, it is not difficult to imagine that the notion of a 'global morality' would also tend to conjure up a picture of a large Leviathan wielding a sword expecting the world to conform to one universal code of behaviour. However, this view would be incorrect.

For instance, during the recent global credit crisis, it was expected that global leaders would take concerted international action to address the problems. This did not necessarily mean that they were required to hand over their entire national sovereignty on economic affairs to one overarching international institution. Instead, it was expected that they would find a compatible solution that would reconcile both international and domestic interests.

Thus, it may be argued that global integration may provide further impetus for the enforcement of international law, which, up until now, has been largely undermined by state interests. Because of integration, what happens in one part of the world often has an effect elsewhere, and political leaders will have to come together to address common issues.³⁷

However, this global process is still very much in its infancy and it may, indeed, be sometime before states find the right balance. Greater global dialogue, transnational trust building and diversity and respect will go some way in achieving it.

37 See, for example, Arnett, J. J. *Psychology of Globalisation. American Psychologist*. 2000, p. 777.

Given the speed and the manner in which the world is integrating, and the global challenges that this is likely to bring in the future, it is fundamental that the international community develop a system to take concerted international action. Thus, a global ethic founded on international integration may provide one such normative approach.

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SOCIALINĖS SUTARTIES TEORIJA IR TARPTAUTINĖ NORMINĖ TVARKA: NAUJA GLOBALI ETIKA?

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Santrauka. Šiame straipsnyje svarstoma bendroji socialinės sutarties teorija, kadangi dėl tam tikrų universalijų žmogiškų tendencijų ne visuomet žmonės sugeba gerbti kitų teises. Taigi žmonių santykiams palengvinti būtina stipri direktyvų sistema. Ši paradigma taikoma ir tarptautinėje sferoje; teigiama, kad ir čia būtina stipresnė teisės aktų įgyvendinimo sistema. Tačiau akivaizdu, jog suverenumas iš dalies apsinkina padėti.

Taigi koks būtų teisingiausias sprendimas? *Leviatanas* ar visa apimanti ir šalis kontroliuojanti valdžia nėra būtina. Tereikia tvirto bendro sutarimo ar tarptautinės teisės įgyvendinimo svarbos suvokimo.

Vis dėlto tai yra pagrindas, ant kurio buvo sukurta JTO, tad kodėl dabar turėtume kažką keisti? Pasaulinė integracija galėtų būti atsakymas. Pavyzdžiui, Kopenhagos klimato kaitos konferencijoje 2009-ųjų metų gruodį šalys nesusitarė dėl vienos sutarties anglies emisijai kontroliuoti, tačiau labai sustiprėjo suvokimas, jog dėl globalizacijos ir bendrų, valstybių sienas peržengiančių problemų šalys turi aktyviai veikti kartu gindamos pasaulinę gerovę.

Tačiau kyla klausimas, iš kur atsirado tokios globalios viltys ir lūkesčiai? Jeigu galėtume tikėtis, jog politiniai lyderiai vidaus reikalų kontekste elgsis sąžiningai, kodėl buvo reikalaujama, kad taip pat elgtųsi tarptautinės politinės institucijos Kopenhagoje? Viena iš priežasčių galėtų būti nauja globali etika, susiformavusi per pastaruosius du dešimtmečius.

Kai kuriose srityse žodis „moralė“ ima įgauti neigiamą atspalvį, nes manoma, jog tai yra direktyva žmonėms elgtis tam tikru būdu. Dėl to nesunku išvaizduoti, jog „globalios moralės“ sąvoka taip pat įgaus *Leviatano* su kalaviju rankose, prižiūrinčio, ar laikomasi vieno elgesio kodo, įvaizdį. Vis dėlto toks požiūris nebūtų teisingas.

Pavyzdžiui, per pastarąją visuotinę kreditų krizę buvo tikimasi, jog pasaulio lyderiai imsis sutelktų veiksmų problemoms spręsti. Tai nebūtinai reiškė, jog visas ekonominis suverenumas turėjo būti perleistas vienai tarptautinei institucijai. Iš tiesų buvo tikimasi, jog lyderiai ras bendrą išeiitį, kurioje derėtų tarptautiniai bei vidaus interesai.

Taigi galima teigti, kad pasaulinė integracija taps postūmiu toliau įgyvendinti tarptautinę teisę (iki šiol ji buvo nustelbta valstybinių interesų). Dėl integracijos tai, kas vyksta vienoje pasaulio dalyje, turi poveikį visam likusiam pasauliui, tad politiniai lyderiai neišvengiamai turės kartu spręsti bendras problemas.

Vis dėlto šis pasaulinis procesas dar labai jaunas, tad gali praeiti nemažai laiko, kol šalys ras tinkamą spėndimą. Prie šio tikslo galėtų prisidėti sėkmingesnis pasaulinis dialogas, tarptautinis pasitikėjimas bei pagarba įvairovei.

Atsižvelgiant į pasaulio integracijos spartą ir būdą bei į ateityje tikėtinus pasaulinius iššūkius, tarptautinei bendruomenei būtina sukurti bendrų tarptautinių veiksmų sistemą. Tad globali etika galėtų tapti vienu iš būdų ši klausimą spręsti.

Reikšminiai žodžiai: Jungtinės Tautos, normos, socialinio kontrakto teorija, žmogaus teisės, globali moralė.

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