

SUSTAINABLE PEACE IS NOT POSSIBLE WITHOUT ACCOUNTABILITY AND JUSTICE

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ABSTRACT

“There can be no sustainable development without peace and no peace without sustainable development” – Robert Zuber

If freedom and peace do not always go together, but rather in some conditions, what about another prominent pair: peace and justice? The idea of combining the two has a long and illustrious past, with giants of the history of thought such as Augustinus, Thomas Aquinas, and others, or Immanuel Kant, to name three in a long line of thinkers. The word "economic peace" was invented by prominent methods in the discipline as opposed to "negative peace." Negative peace," as it is known. The latter word simply refers to the absence of abuse. "Positive peace," on the other hand, When not only human but even structural aggression is eradicated, there is peace. Peace is characterized as a relational interaction in which physical activity is not used as a means of achieving political objectives. There are no goals within collectivities. Justice is characterized as a state of affairs in which actors can achieve what they want. What they have a right to. After performers have received what they are entitled to, there is one crucial factor to consider. The justification for using force is no longer valid.

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INTRODUCTION

Sustainable peace is simply not possible without justice and responsibility. Society is bound to employ humanity and humanity prevails while justice is served. The refugee crisis is faced utilizing most of the countries and the political members of the family emphasize peace but justice is not served with the peace policy. The states ought to be made liable for the conditions of the refugees and the policies concerning their settlement should be applied. The condition of the refugees is complicated and they want protection, safety, and kingdom help. It is said that justice and peace go hand in hand with each other and you cannot have one without the other. Tensions between the peacemakers and the champions of justice are inevitable in the societies riven by the way of struggle but resolving all those variations provides blessings to all in the long run.

If finishing a conflict by the way of supplying aggressors positions inside the resulting political agreement and impunity for his or her crimes, is the compromise suited? Or need to complete the accountability and crook procedures for aggressors be non-negotiable even though its method that the violence and killing are extended? Such questions have served to create tensions among the peacemakers and the justice practitioners.

One issue is clear: setting apart peacebuilding from the promotion of justice undermines both. Louise Arbour, former president and the CEO of the international crisis group, has mentioned that peace and justice are interdependent. The actual task which is hereby mentioned is to reconcile the inevitable tensions between them. The 16th sustainable improvement aim refers to “peaceful and inclusive societies”, “get the right of entry to justice for all” and “effective, accountable and inclusive establishments”. This is welcomed but innovation may be needed to boost peace and justice as complementary goals.

The scale and complexity of the demanding situations dealing with the societies stricken by warfare way slender approaches that prioritize one over the opposite will omit the mark. We need to find some creative ways of integrating the efforts to prevent war with the promotion of human rights, justice, and the guideline of law.

Too often justice is taken to mean improving and imposing legal guidelines. As a result, movements generally tend to the cognizance of increasing the ability of regulation institutions, consisting of the police and courts, to enhance to get admission to justice.

Access to advice that facilitates the management of disputes among people is vital- however, it is miles simpler a part of what is wanted for peace. Access is not any assured of the exceptional or fairness of a justice device, whilst identical get admission to the regulation may be very one of a kind from equality earlier than it.

But whilst the equity of justice structures, formal or casual, should stay a common preoccupation, we additionally want to address the much larger question of a way to build extra just societies. Justice is not something this is simply allotted through courts and the police. Instead, it is experienced either positively or negatively through the fine of opportunities, relationships, transactions, and behaviors right throughout the society.

To enhance human being's stories of justice, a much wider selection of actors no longer simply the ones within the criminal justice chain- need to be involved. We recognize that poverty, insecurity, and injustice are man-made results of unfair policies and practices. We recognize that states can fail due to the fact, amongst other things, their regulations exclude human beings from decision-making and get entry to the assets and this often fuels a lack of confidence and violence.

REFUGEE CRISIS

The refugee convention, 1951 bestow certain rights on the refugee who take refuge in distinct international locations. Various doctrines empower the contracting states to make policies and regulations for the refugees of their countries. Article 31 of the 1951 convention states that no contracting nation shall punish the illegal refugees moving into their countries who have suffered discrimination based on race, sex, caste countrywide social and political guide. They have to no longer be expelled or refuse from the contracting state. The states need to not impose any regulations on the motion of refugees within the safe heaven territory. The refugees must be benefitted from the facilities and an affordable length need to accept to them that will find permanent shelter.

Travaux preparatoires of the convention is clear that article 31 talks about the judicial or administrative conviction of the lawful intruders and not of the explosion. The time coming at once which has been stated in article 31 consists of both the person that they have without delay come from the nation wherein he suffered discrimination and additionally the kingdom in which he took asylum for a brief length.

Article 32 states that in the doctrine of expulsion, the refugees cannot be expelled from the contracting states on the grounds of the country-wide security or public order. The refugees are bound by the due method of the law and therefore should present the evidence earlier than in a position of authority. The contracting state shall provide a reasonable period to the refugees if one wants to find their permanent settlement. The most famous doctrine that is the policy of non-refoulement was implanted inside the conference below article 33. The convention mentions that no contracting kingdom shall refuse the refugees to the vicinity wherein they suffered direct discrimination except they may be a dangerous hazard to the USA or the society granting them asylum. The conference also mentions the opportunity of granting nationality through the naturalization process beneath article 34 by the contracting states to the refugees. After the Second World War, United Nations High Commissioner for Refugees (UNHCR) turned into created. The 1951 convention relating to the status of refugees, and the 1967 protocol empowers the state to protect the refugee and the individual looking for asylum. The refugees are entitled to the minimal or minimum basic rights beneath the refugee safety regime. The other corporation installed to guard the refugees are UN business, NGO, Red Cross, and Red Crescent Movement. But still in the end those famous groups and effective prison accountability could not be established. The states have never adhered to the guidelines mentioned as well as said in article 36 of the 1951 refugee convention which empowers the state to signify the laws and regulations to the United Nations that the state needs to undertake this hereby applicable convention. The state parties have met once on the 50th anniversary of the convention in 2001. Article 35 of the convention has by no means been made relevant because of the ambiguous position of UNHCR with the state.

Though after the implication of these kinds of doctrines the sector fails at the account of justice and duty. The motive behind this is that the convention is outdated, it fails to serve in the prevailing global scenario. The convention burden and the contracting states through enforcing compulsion for accepting the refugees. Though the biggest drawback is that the conference does no longer makes the nation responsible for who made the refugees based on their faith, race, caste, social and political organization. The conference imposes no penalty on the states who prosecute them or expel them from their states.

Most of the states face the monetary crisis and then they are certain with the aid of the conference to allocate those refugees. It did not affect them economically however socially as properly. There is a boom within the crook act after which it turns tough to track those refugee as they have intruded the territory unknown to authorities. The convention fails to assess the political, social, and economic impact on the signatory country.¹

The most outstanding trouble is of the Rohingyas who are also known as the boat humans. Though India not a part of the 1951 conference have adhered to the tips of UNHCR and allowed many refugees to settle within the territory. The Rohingyas migrants when entered within the Indian border had been 16000 in numbers that have extended to a few lakhs determine. The increased populace created an alarm with the government for the protection of the nation against the illegal migrants consequently the intruder deportation is determined by the way of authorities, the case of *Mohmmad Salimullah v. Union of India*² nevertheless to be decided regarding the Rohingyas deportation.

The convention gives individuals the option to expose up by using whatever approach and solicitation displace private reputation. Indeed, even wherein cases are criminal states are required to enjoy the guarantee of reputation techniques. Considerations of solicitations call for a few investments. Differentiating outcasts and tourists is though: both use people runners, have deceitful or no facts, and feature comparable testimonies. Also, even though lone a bit minority of shelter searches advantages acknowledgement in western European international locations only a minority of bombed refuge searchers ever definitely depart.

The convention offers people the option to reveal up with the aid of whatever approach and solicitation displaced private fame. Indeed, even in which cases are criminal states are required to enjoy the guarantee of the popularity of tactics. Considerations of solicitation call for a few investments. Differentiating outcasts and travellers is troublesome: both use individuals runners, have deceitful or no statistics, and feature similar stories. Also, even though lone a touch minority of refuge searchers benefit acknowledgement in western European countries, just a minority of bombed haven searchers ever with a doubt depart.

¹ DR PAUL WEIS, THE REFUGEE CONVENTION, 1951, THE TRAUX PREPARATORIES ANALYSED.

² *Mohmmad Salimullah v. Union of India* WP (C) 793/2017

The nonrefoulement dedication of the convention fails to assess the expected impact on accepting international locations. The full valid obligation is appointed to anything or any country having searchers can attain, and no top or breaking factor may be decided to the number of folks who can apply or who ought to be recounted. The outcast agreement is high priced. The conference also mentions the opportunity of granting nationality via naturalization manner beneath article 34 through the contracting states to refugees. After the Second World War, United Nations High Commissioner for Refugees (UNHCR) changed into created. The 1951 convention relating to the status of refugees, and the 1967 protocol empowers the state to guard the refugee and the person seeking asylum. The refugees are entitled to the minimal primary rights beneath the refugee protection regime. The different enterprises set up to shield the refugees are UN agencies, NGOs, the Red Cross, Red Crescent movement. But still, despite everything these popular businesses the powerful legal duty could not be established. The states have in no way adhered to the guidelines stated in Article 36 of the 1951 refugee convention which empowers the country to indicate legal guidelines and guidelines to the United Nations that states must adopt to make this convention applicable. The state parties have simplest met as soon as inside the fiftieth anniversary of the conference in 2001. Article 35 of the convention has never been made relevant due to the ambiguous role of UNHCR with the state.

Though after the implication of the majority of these doctrines the sector fails at the account of justice and accountability. The cause behind this is that the conference is outdated, it fails to serve the present international scenario. The conference of the burden contracting the states by the way of implementing compulsion is accepting the refugees. Though the largest drawback is that convention does no longer make the state accountable for who made them the refugees based on their faith, race, caste, a social and political institution. The conference imposes no penalty on the states who persecute them or expel them from their states. Most of the states face economic disaster and they are certain with the aid of conference to allocate the refugees. It had not affected them economically but rather it had affected them socially.

There is an increase with the crook act after which it will become hard to song those shelters as they have intruded the territory which is hereby unknown to the authorities. The convention fails to assess the political, social, and financial effect at the signatory United States. The maximum outstanding difficulty is of the Rohingyas who is also referred to as

boat human beings. Though India now not a part of the 1951 convention has adhered to the pointers of UNHCR and allowed many refugees to settle in the territory. The Rohingyas migrants whilst entered with the Indian border have been 16000 in numbers which have been extended to 3 lakhs. The improved population created an alarm within the authorities for the safety of the kingdom in opposition to the illegal migrants therefore the intruder deportation is decided with the aid of authorities.³

The convention offers individuals the option to reveal up by using anything approach and solicitation displaced personal popularity. Indeed, even in which the cases are crook states are required to reveal up in the warranty of fame approaches. Consideration of solicitation requires a few investments. Differentiating outcasts and travellers is difficult: each use people runners have deceitful or no facts and feature comparable memories. Also, even though lone a bit minority of refuge searchers again the acknowledgement in Western Europe international locations just a minority of bombed haven searchers ever clearly depart.

The 'non-refoulment dedication of the convention fails to evaluate the predicted impact on accepting the countries as a whole. Full legitimate duty is appointed to anything kingdom has searchers can reach, and no top or breaking point can be decided to the variety of people who can practice or who must be stated. The outcast settlement is considered to be very costly. For the scenario of Australia's seaward useful program, the charges of evacuees are balanced by using income-generating talented and commercial enterprise relocation admissions. In case the nations had confidence in the convention, they would help or perhaps no longer frustrate people properly while in transit to require its confirmation from showing up at their confirmation structures.

The first-rate case of what has been depicted as authorities' service right here is given by using Canada. Canada has kept up the maximum accelerated show exile acknowledgement fee on the earth. In the alternative of the circumstance that has associated with Australia, Canada's beneficial application has for certain years contained three-fold the range of onshore evacuees as displaced people from UNHCR camps. Keeping up our evacuee assurance framework is at the top of Canada's outcast system, contrasted and Australia's running with the UNHCR. Canada along with other western nations has to set visa controls

³ Adrienne Millbank, The problem with the 1951 refugee convention, social policy group (5th September 2000)

on exile delivering international locations, confined sending nations to the force depart controls installed safe 1/3 kingdom enactment, compelled strong approvals on playing conveying unapproved travellers published movement officials at excessive hazard air terminals abroad to apprehend deceitful reviews, broadened its usage of detainment for unlawfully confirmed up refuge searchers. On a primary stage, displaced humans ought to get equivalent protection, any place they may be from the global community. There are altogether exclusive dreams and consequences for camp and show displaced people. Australia's Iraqi and Afghani refuge searchers, on the off risk that they would now not assumed manage over troubles, might have had an extra distinguished opportunity of having returned than being settled in some other nation. The focal point of UNHCR has displaced man or woman camps in neighbouring international locations is on repatriation, below 30% of the individuals are surveyed as requiring resettlement in a third state.

The acknowledgement charge for Iraqis and Afghans in Australia has been greater than 90%. As indicated with the aid of the department of immigration, this is because Australia is excessively the ways for the Middle East for dangers to the humans required to be dependably surveyed. Any earnings following the people's cases for political safe have could unavoidably be extra prominent than the UNHCR's gathering returns and would carry the person to the attention of as some distance as all and sundry is aware of persecutory authorities. Besides which Australia cannot appear to set up go back concurrences with modern sending or journey countries. The convention-based framework because it's right now works, gives need to the one's gift, based on their versatility now to the people with pleasant need. Ladies and youngsters succeed in exile camp populaces, undergo most human rights mishandles, and are typically helpless in displaced person instances. Men for the most part youthful prevailed among the refuge searchers. This is the halfway outcome of spouses leaving their household to observe later, in wellness. It is likewise the aftereffect of the datedness of the convention, framed in wording that regardless of the entirety in shape the male enjoys in severe exile turning in the international locations. Once in a signatory state, convention primarily based shelter frameworks provide need to those who can get lawful help. In the US 80% of the applicants helped by using prison counsellors. Sustainable peace is only completed while justice is served and the government is made accountable. Withdrawal from convention may be depicted as Australia dismissing familiar norms, and as discourteously coordinating the haven searcher hassle elsewhere. Remaining within the

framework could make it easier for Australia to preserve its impact in international discussions and to anticipate a job in reshaping the normal assurance system.

DEFINING PEACE AS A WHOLE

Johan Galtung's⁴ definition of poor and effective peace is vital to a higher expertise of the talk between peace and justice. He defines terrible peace as the absence of violence consisting of whilst a stop fireplace is enacted. In contrast, fine peace necessitates the addition of wonderful elements which include reconciliation, to make peace long-time period and sustainable. Considering the talk in those phrases, reaching a positive, lasting peace necessitates the implementation of justice mechanisms, rendering the justice versus peace debate a false dichotomy. To illustrate, Bassiouni claims that peace is not simply the absence of armed conflict, it is the healing of justice and the use of law to mediate and remedy inter-social and interpersonal discord. According to Clark, nowadays Bosnia and Herzegovina are in a country of bad instead of tremendous peace, as there is a scarcity of instantaneous battle, however no actual reconciliation in the sense of repair and restoration of relationships. To this extent and quantity peace ought to be understood and evaluated as extra than an easy and instantaneous cessation of violence, there may be no high-quality peace without justice.

CONCLUSION

The above-stated motives can only be remedy while justice is served. The old composition ought to be rephrased and the states and refugees both need to be made responsible. Peace cannot be served without responsibility and justice. The states accountable for the circumstances of the refugees should be penalized below the convention and also the signatory countries ought not to be burdened with the compulsion to allow the intruders in their states.

The tensions between making peace and promoting justice and duty have led to the creation of an excessive amount of scholarship at the challenge. The essence of the debate is whether or not peace or justice should take priority over each other, and if so why?

⁴ GALTUNG, J. (1967), THEORIES OF PEACE: A synthetic approach to peace thinking Oslo: International peace Research Institute.

Those who propose for peace to take the priority to guard their argument by way of claiming that pursuing justice and responsibility will create more amount of battle in the difficult state of affairs. Those who advocate for the inclusion of justice and duty declare that sustainable peace is not feasible without accountability and justice.

We additionally confine our analysis ordinarily to recollect the controversy around the put-up war peace agreements. To this quantity, we argue that justice ought to be incorporated into any starting evaluation of struggle resolution.⁵



⁵ ALIHUSAIN C. (2011) Latin America Amnesty Laws Annulled: the struggle against immunity continues| peace palace library.