

Ethical Justice As A Prerequisite For Sustainable Peace

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Abstract

It is a long-standing maxim of jurisprudence that peace is not merely the absence of war, but the presence of justice. That being said, the international community too often settles for negative peace—a fragile silence of guns that leaves systemic rot untouched. This paper contends that without Ethical Justice, a peace treaty is little more than a stay of execution for the next conflict. While political realism often treats justice as a negotiable concession, this study argues it is a non-negotiable legal and moral pillar. We must look beyond mere legalism to a framework that honors human dignity and the Responsibility to Protect (R2P). For instance, when accountability is sidelined—as seen in the history of amnesties that fail to address Article 7 of the Rome Statute regarding crimes against humanity—the result is almost invariably a relapse into violence. Statistical trends in post-conflict states suggest that agreements neglecting victim-centered reparations have a significantly higher rate of failure within five years. This paper examines these failures from the perspective of Transitional Justice, arguing that inclusive governance is not just a good idea, but a structural requirement for social cohesion. By analyzing the problems between state sovereignty and the universal protection of human rights, the study concludes that a peace built on impunity is a house built on sand. We must prioritize the moral imperative of justice to ensure that reconciliation is more than a slogan, but a lived reality.

Keywords: Ethical Justice; Sustainable Peace; Peacebuilding; Human Rights; Accountability; Reconciliation,

1. Introduction

We must face the unpleasant fact in international law that the international community is often satisfied with a negative peace—a mere pause in violence that does not repair a society's deeper problems. Although political realists may claim that the silence of guns is a major success, in juristic terms, this is a perilous legal fiction that makes peace a mere binary, either on or off, instead of a qualitative state of the legal order. That being said, peace is not just the absence of conflict, but the presence of a working legal system that restores human dignity and fixes the systemic failures that broke the social contract (Hellsten, 2009). Treating a ceasefire like a final peace agreement is a legal mistake that ignores what law is really supposed to be about. As shown in the important Akayesu case at the International Criminal Tribunal for Rwanda (ICTR), post-atrocity law is not just about stopping the violence (Katila, 2021). It is also about clearly defining the crime, creating an accurate record of what happened, and building a legal basis for rebuilding the state. By ignoring this, we are essentially accepting a kind of controlled lawlessness, where the complaints of the oppressed are simply covered up by signing a treaty, creating a space that will almost certainly lead back to chaos.

This leads to our main thesis: without a strong structure of "Ethical Justice," any peace agreement is merely a stay of execution to the next generation. In law, a stay of execution is simply a postponement of a sentence—it does not overturn the conviction or dismiss the legal case. This is played out again and again in the history of blanket amnesties, which tend to

seek to circumvent the non-derogable conditions of Article 7 of the Rome Statute on crimes against humanity (Haenen, 2013). That said, these amnesties are becoming more and more considered as legally invalid under the norms of jus cogens. In the case of Barrios Altos, the Inter-American Court of Human Rights explicitly stated that the clauses aimed at deterring the investigation and punishment of the criminals of the grave human rights violations are not admissible under international law (Triana & Galán, 2025). A treaty that does not focus on victim-centered reparations and accountability fails the longevity test. Statistical patterns indicate that agreements that fail to consider these pillars are much more likely to collapse within a five-year period since they do not have the structural strength to sustain social cohesion.

To get a real picture of this, we must consider the changing tension between state sovereignty and the Responsibility to Protect (R2P). Sovereignty has long been seen as a guarantee that other countries must not interfere, even when a government is committing terrible abuses against its own people (Glanville, 2019). But the contemporary jurisprudence has moved towards a fiduciary theory of sovereignty, in which the legitimacy of a state depends on its capacity and desire to defend its citizens. When a state does not fulfill this obligation, it is not merely a political failure, but a violation of a legal trust. Ethical Justice is the procedure through which a state reinvigorates its sovereign status. A peace that is founded on impunity is, literally speaking, a house built on sand. When we make the victim central, as the Reparations Order of the ICC in the Lubanga case does, we are no longer dealing with a Great Man theory of history, but with a legal reality in which reconciliation is not merely a slogan, but an experience that is lived and enforced (Yogendran, 2017). Any system that disregards this moral and legal imperative is not establishing peace—it is merely coping with the periods between wars.

The legitimacy of a post-conflict legal order lies in its capacity to convert might into right. Realpolitik tends to imply that justice is a luxury that has to be sacrificed to stability, but the case law of the past three decades demonstrates the contrary. In the *Prosecutor v. Anto Furundžija* (ICTY), Judgment, IT-95-17/1-T, 10 December 1998, determined that the ban on torture is a peremptory norm, that is, no treaty or amnesty can legally override the duty to prosecute (Prosecutor, 1998). When a peace treaty tries to do this, it creates a legal flaw that will never allow the state to truly function normally. Ethical Justice is therefore the structural engineer of peacebuilding. It makes sure that the new state is not founded on the repressed trauma of the victims but on the light of truth and the burden of responsibility. Otherwise, the international community is just pretending to support a short-term ceasefire and is failing in its duty to make sure that “never again” becomes a real legal commitment, not just an empty slogan.

Outside the courtroom, the case of Ethical Justice is best supported by the need to have restorative justice that is not just punishment. Whereas retributive justice is concerned with the offender, Ethical Justice requires an emphasis on the victim by providing extensive restitution. The right to a remedy is not merely an idealistic aspiration but a long-standing principle of international law, based on the *Chorzow Factory* case that held that reparations should, to the extent possible, erase all the effects of the unlawful act (Torres, 2021). This means that peace treaties after a conflict should include clear, binding clauses on returning property, helping survivors rebuild their lives, and providing truth and acknowledgement. In the absence of these factors, peace will be an abstract notion to the people who bore the brunt of the conflict, which creates a harsh feeling that is the main source of future insurgencies.

The objective of this study is to examine the legal and moral inefficiencies of negative peace agreements and to define Ethical Justice as a non-negotiable structural condition of sustainable peace. In particular, the study will try to challenge the classic realist idea that justice is only a bargaining compromise, and will argue instead that it is a core part of the law. The study aims to discuss the high rates of relapse of post-conflict states that use blanket amnesties contrary to Article 7 of the Rome Statute, and critically analyze the impact of impunity on the long-term social cohesion. Moreover, it aims to fill the gap between state sovereignty and universal protection of human rights from the perspective of the Responsibility to Protect (R2P) framework as a contemporary approach to peacebuilding. Through these intersections, the final aim of the research is to propose a victim-based model of jurisdiction, in which accountability and reparations are not treated as a post-conflict option, but as the basis for building a legitimate and lasting peace.

2. The Anatomy of Ethical Justice: Beyond Mere Legalism

We must examine carefully what we mean by justice to really know why peace fails. Scholars across the globe believe that justice in a post-conflict setting is merely about sending people to jail (Vapnek et al., 2016). That said, when we look at what happens in the courtroom, we lose the bigger picture. Justice isn't a softer or weaker version of the law that just exists to keep powerful people calm. Rather, it is a complete co-conspirator in criminal trials. It touches on the inner wounds that cannot be healed by a prison sentence. Criminal law is the surgeon who takes out the tumor—Ethical Justice is the long-term care that makes the entire body actually heal and live. This is a problem of the law, which likes definite conclusions. But true peace is not simple. Ethical justice realizes that convicting one general does not necessarily correct a society that is broken. It challenges us to ask ourselves whether the rules are ethical and to ensure that the law is in the service of the people and not the state. This brings us to the Four Pillars of Transitional Justice, which are the practical instruments with which we construct this ethical base.

The first is Truth-Seeking. The truth is the first casualty in most war-torn societies. Denial is a tool that criminals employ to remain in power (Cohen, 2013). The official revelation of atrocities to avoid this denialism is called truth-seeking. It is not only about enumerating facts. It is the making of a common past. When one group thinks there was a massacre and the other insists it was just a small fight, you don't really have a country—you have two enemies living under the same roof. Truth is a kind of social disinfection. When we bring secrets into the light, we render it impossible for future leaders will be able to use lies to begin a new war. This is a legal duty, as shown in the case law of the Inter-American Court of Human Rights, which recognizes the right to truth as a basic human right (Osimo, 2021).

The second pillar is Prosecution. Ethical Justice is impossible when we neglect the responsibility of punishing those who are the most responsible. Some people believe that trials cause too much disruption and that we should just move on. But history shows that letting crimes go unpunished is what fuels future violence. Releasing a warlord sends a message to ambitious soldiers that the law isn't a firm rule, just a loose suggestion. The Rome Statute clarifies that some crimes are so heinous that they cannot be pardoned by a local politician. It is our legal duty to prosecute. But one new point of view, which is lacking in most of the literature, is that prosecution must be pedagogical. It should not merely occur in some distant court in The Hague. It must be visible to the local people so that they can observe the law in their favor. This forms a psychological separation with the past, and it is shown that the days of might makes right are long gone.

The third pillar is Reparations, and this is where we require a significant change of thought. The law traditionally seeks *restitutio in integrum*—that is, to restore things to the way they were (Sitanggang et al., 2024). You can not take things back in a country that has been ruined by war. You cannot revive the dead or burn a village. This is the reason why we need to move to remedial justice. It is not merely about writing a check—it is about restoring victims to society. Reparations must be transformative. In case, say, a school was a torture center, restoring it to a school with a memorial is an example of remedial justice. It recognizes the harm and builds something better in its place. The dignity aspect of reparations is often overlooked in literature. A wounded individual starts to feel complete when he or she is given a genuine apology and a decent opportunity to make a living. When they are ignored, however, they feel invisible—and the invisible do not just disappear. They come back and disrupt the peace.

The fourth pillar is Institutional Reform, such as vetting. This is the most practical part of Ethical Justice. It involves the elimination of human rights abusers in the police, the military, and the courts. When a judge who has been bribed by a militia remains on the bench, nobody will believe in the law. We have seen so-called peace deals that leave the old guard in power to avoid instability. This is a trap. Transparent and professional institutions lead to real stability. We need to reform the same institutions that allowed the violence to take place in the first place. This is where the law comes into play. We make sure that the same players do not commit the same fouls by altering the rules of the game. This is the preventative aspect of justice that is usually underestimated in favor of punitive justice.

Lastly, we need to speak of the Ethical Imperative, or what scholars refer to as the internal morality of law. This is the concept that law is not merely a collection of rules—it is a way of bringing into existence the Good. When a law is employed to suppress or conceal crimes, it becomes immoral. That being said, a peace treaty must be perceived to be fair to be effective. Law should not be merely ink on paper, but it should be a mirror of our best values. By creating a peace founded on Ethical Justice, we are informing the survivors that their lives are important. We mean that the law is not an instrument of the strong, but a protection of the weak. When people feel like the system is unfair, sooner or later, they will try to tear it down (Dorling, 2015). Thus, Ethical Justice is the only rational option for a person who really desires the fighting to be over forever. It is not only the right thing to do, but the only thing that works.

3. The Article 7 Mandate: Accountability as a Non-Negotiable Pillar

When we talk about truly lasting peace, we must address Article 7 of the Rome Statute. This is not just technical legal text; it is a key safeguard of modern civilization. Article 7 deals with crimes against humanity and is perhaps our most effective tool for ensuring that a peace treaty does not become a pact of silence between criminals (Lewis, 2019). There is a reason why the law here is very specific. In order to be considered a crime against humanity, an act should be included in a widespread or systematic attack against any civilian population. This is not about a couple of soldiers going rogue. We are discussing a systematic campaign—a policy to kill or frighten individuals. When we comprehend this, we know why accountability is not negotiable. When you keep a systematic killer in power because you desire stability, you are not really bringing peace. You are simply leaving the machine of death intact to be used the next time someone desires to use it.

The statutory analysis in this case concerns the so-called widespread or systematic requirement. This is a two-part requirement in the context of peacebuilding. First, it makes

sure that the international community intervenes only in the most severe crimes. Second, it gives a clear roadmap of what should be dismantled in a peace process. The literature tends to overlook the fact that systematic does not necessarily imply a written plan in a government office. It can be a pattern of conduct. These trends are important in the reformation of institutions following a conflict. If we can show that the police were regularly used to make political opponents disappear, peace requires a complete overhaul of the police force. In the absence of clear laws, we are merely applying a bandage to a deep wound. We must speak the truth. It is impossible to bargain with a system that is designed to do atrocities—you have to transform it.

One of the biggest challenges in this area of law is understanding the attack requirement. In order to establish a crime against humanity, the prosecutor has to demonstrate that the accused was aware that his or her actions were a part of a larger, organized assault. This creates a huge loophole for the top-level leaders who like to say that they were out of the loop. This is a massive legal issue. When a general says, I did not know my men were doing that, and the law acquits him, the peace is destroyed. Why? Since the victims know that he knew, when the law fails to match what is happening on the ground, it becomes powerless. To remedy this, we must have a pragmatic method of legal clarity. We need to argue that at a certain level of power, the horror was so widespread that the leaders had to know it was happening. This openness is useful in court, and it also discourages future leaders. It reminds them that plausible deniability will not bail them out of a prison cell.

To observe the outcome of this clash between law and reality, we may refer to the case of Prosecutor v Jean-Pierre Bemba Gombo. It is an excellent illustration of the conflict between the blame and the social reconciliation of people (Anthony, 2016). Bemba was a powerful figure in the Democratic Republic of the Congo, and he was accused of crimes committed by his soldiers in the Central African Republic. First, he was convicted on the doctrine of command responsibility—the concept that since he was the leader, he was responsible for the rapes and murders by his soldiers. His conviction was later overturned by the ICC Appeals Chamber due to the fact that he had made some attempts to stop his troops, and the trial chamber had failed to demonstrate that he had done so sufficiently. This was a blow to the majority of the victims.

The Bemba case demonstrates the difficulty that we have to struggle with. On the one hand, the law should treat the accused fairly. We cannot just condemn people due to their unpopularity. Similarly, the acquittal was a betrayal of thousands of women who were victims of his command. This generates a justice gap that can ruin a peace process. The law is too technical or too remote, and fails to satisfy the ethical element of Ethical Justice. One of the novel perspectives is that the Bemba acquittal, in fact highlight the necessity of the other pillars of justice we have discussed, including truth-telling and reparations. In case the criminal court fails to deliver a conviction, the state should intervene with alternative justice to ensure that the victims do not walk away empty-handed. Finally, Article 7 and the case law around it inform us that accountability is not merely a moral choice (Milanović, 2011). It is a structural necessity. In most areas of law, a contract signed under pressure or one involving illegal acts is invalid. Yet we often ignore this when it comes to peace treaties, as if they are exempt. We need to stop doing that. A bad contract is a peace treaty that protects individuals who have perpetrated systematic assaults on civilians. It is morally and legally incorrect. When we insist on Article 7, we are telling them that certain things cannot be negotiated. We are creating a peace that is not merely quiet, but a right peace. This is the sole means of

making sure that never again is not merely a phrase we utter at conferences, but a law that is actually implemented.

4. *The Failure of Impunity: Amnesties and the Five-Year Relapse*

When a civil war comes to a cessation, there is always a strong temptation to make what we call the Devil's Bargain. Political realists tend to enter the room and say that we must either have peace today or justice tomorrow. They claim we can convince warlords to put down their weapons and save lives by giving them complete amnesty. But this idea misunderstands how people and legal systems really work. It views justice as a commodity that can be negotiated as opposed to a structural pillar. As a matter of fact, an amnesty is not a bridge to peace—it is a trap door. When we forgive the unforgivable, we are not terminating a war—we are merely subsidizing the intermission between wars. This bargain presupposes that the readiness of the criminals to cease killing is more precious than the right of the victim to a remedy. But, as every jurist is aware, a legal system in which the silence of the criminal is more highly regarded than the rights of the innocent is a system that has already failed.

The evidence of the harms caused by amnesties is overwhelming, but leaders in diplomacy ignore it (Cobban, 2015). Studies have always indicated that amnesty of atrocity criminals does not actually enhance the chances of a conflict being resolved. Actually, they are usually linked to protracted wars. The psychological and legal explanation of this is very simple: Incentive Symmetry. By granting a blanket amnesty, you send the message to future rebels and ambitious officers that violence has no real cost. You are effectively encouraging the risk of war. If a rebel knows that the worst outcome of losing is a comfortable retirement and a government pension under an amnesty deal, why wouldn't they pick up a gun? This raises a moral hazard in which the law in fact promotes the very activity it is meant to deter. This is clear from the pattern of five-year relapse, where states that choose stability over justice almost always end up back at war within five years.

In purely legal terms, we must discuss the so-called *Jus Cogens* Obstacles which render these amnesties a dead letter under international law (Naqvi, 2003). Some basic rules of international law are so important that no country is allowed to break them. These are called peremptory norms or *jus cogens*. This idea was clearly confirmed in the 1998 case *Prosecutor v. Anto Furundžija*. The court determined that the ban on torture is a *jus cogens* norm, which implies that any state that attempts to provide an amnesty for torture is acting unlawfully (De Wet, 2004). With that said, this poses an interesting legal paradox to peace negotiators. When a peace treaty includes an amnesty that breaches a *jus cogens* norm, the treaty is, in most respects, an illegal contract. You cannot legally consent to pardon a crime that the whole world has consented is unpardonable. This is not merely an academic observation, but it implies that these warlords can be arrested the instant they cross a border, no matter what their local peace treaty may say.

We must consider a new angle that is frequently lacking in the literature: the idea of Impunity as a Structural Virus. Much of the existing literature examines amnesties as a political option, yet we ought to consider them as a failure of the state's immune system. A state that is unable to punish its most violent criminals is a state that is unable to protect its most vulnerable citizens. A government that signs an amnesty deal is, in effect, acknowledging that it has lost the monopoly of legitimate violence (De Wet, 2004). This confession leaves a gap of power. Local militias observe that the state is feeble and that the law is pliable. This results in what I refer to as *Reciprocal Lawlessness*, where different groups conclude that since the big criminals are not being punished, they too do not need to

obey the rules. That is why the five-year mark is so important—it is typically the time it takes to feel the first relief of the ceasefire and the rot of impunity to tear the social fabric. Moreover, we should question the notion that amnesties contribute to national reconciliation. This is among the most widespread lies in peace negotiations. You cannot make peace between a victim and a criminal by informing the victim that their pain is irrelevant. Reconciliation demands a balancing of the scales. An amnesty does just the reverse—it puts the scales still further on the side of the man with the gun. The only way that reconciliation can be achieved is when the state recognizes the pain of the victim through a legal procedure. That being said, by choosing the Devil's Bargain, we tell survivors that their trauma is an obstacle to growth. This creates a deep, simmering anger that becomes the perfect fuel for a new generation of rebels. A peace that is constructed on the coerced silence of the victims is a negative peace that can never attain the structural integrity needed to survive in the long term. Lastly, we need to contend that the international community has a Legal Duty of Non-Recognition of such illegal amnesties. When a state enters into an agreement that contravenes the Rome Statute or the jus cogens norms, other states must not accept the validity of such an agreement. This would deprive warlords of the incentive. When they are aware that an amnesty will not shield them against the ICC or against universal jurisdiction in other nations, the Devil loses its shine in the Devil Bargain. We need a global legal system where justice is treated as the foundation of peace, not as something extra. Just as you wouldn't cut costs on a building's foundation if you want it to stand, we shouldn't neglect justice when building peace. Likewise, when you want peace to endure, you do not construct it on the wobbly foundation of impunity. The five-year relapse is not a secret—it is a natural outcome of the decision to follow the path of least resistance instead of doing the right thing.

5. *Victim-Centered Reparations: The Structural Requirement for Social Cohesion*

Criminal trials often draw the most attention from the legal community after mass violence. However, the most important legal task for a society that wants to heal is to restore the victims, not just to punish the criminal. The Right to Redress is not an incidental issue—it is a fundamental principle of international law. Article 75 of the Rome Statute was the first to be put into practice by the ICC (Pikis, 2010). That action was not just an act of sympathy—it was an acknowledgment that a verdict is not enough to bring about the positive peace we desire. When a survivor encounters his or her tormentor in prison and is still hungry, homeless, and traumatized, the law has failed. Ethical justice requires the legal system to consider the victim as a complete individual whose rights have been violated, rather than as a witness.

To ground this idea in real law, look at the 1928 case *Factory at Chorzów* (Germany v. Poland). The Permanent Court of International Justice set a rule we still follow today: an unlawful act should be undone as much as possible (Yusuf, 2024). The court reasoned that reparations should restore the situation to what it likely would have been if the act had not occurred. However, in post-conflict situations like most African and Middle Eastern nations, it is literally impossible to wipe out the consequences. You cannot bring back a decade of schooling that you lost or a murdered family member. Contemporary jurisprudence thus tends to the remedial justice model—a model that provides the most optimal restoration. The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation describe five types of redress: restitution, compensation, rehabilitation, satisfaction, and non-repetition guarantees (Van Boven, 2020).

The Inter-American Court of Human Rights has been the first to give a practical appearance to these traditional types of reparations. In cases like *Plan de Sánchez Massacre*

v. Guatemala, the court recognized that money alone is not enough to repair the damage done to the community and its social fabric (Southey, 2025). It directed states to take actions to make amends, including apologizing in Indigenous languages and putting up memorials. It also requires transformative reparations. In case a community was harmed due to poverty or ethnicity, the reparations should be made to address the underlying vulnerabilities. The construction of a clinic in a village intentionally deprived of healthcare remedies of the structural heritage of violence. This is not just social work, but it is a legal requirement of a state in the international human rights law. One of the gaps in the literature is the lack of a perspective on collective Reparations to cultural destruction, exemplified by the ICC case Prosecutor v. Ahmad Al Faqi Al Mahdi. The court was concerned with the destruction of religious and historic buildings in Timbuktu (Bishop-Burney, 2017). It acknowledged that assaulting a building may be a crime against the soul of a community. Reparations ordered were thus not just physical repairs but also psychological and economic losses to the community. Ethical justice should surround and shape a whole community. When a mosque, church, or library is destroyed, the wrong is done to everyone, not just a few people. The law assists in restoring communal safety, which is the basis of social cohesion, by restoring these symbols.

This shows a key difference between restorative and retributive justice. Retributive justice is more of a blow-for-a-blow approach, where the offender is punished mainly to satisfy the law (Holtman, 1997). Restorative justice aims at repairing the damage (Kirkwood, 2022). It comprises the community, the victim, and occasionally the criminal in a reconciliation process. The two systems should be complementary in a sustainable peace model. The punitive system eliminates the dangerous factors, and the restorative model mends the wounds they cause. Restorative justice is also a security measure. When victims believe that their suffering is being heard and their lives are being rebuilt, they will be much less inclined to encourage renewed violence or insurgencies. Justice in this sense is the best counter-insurgency tool that a state can have. We should not be tempted to consider reparations as a payoff to silence. Other peace talks employ reparations to purchase the consent of the victims to amnesties of high-level criminals—a distortion of Ethical Justice. Reparations are not a trade-off, but a right. In the Lubanga case of the ICC, the court clarified that reparations should be inclusive and transparent (Opini, 2017). When the process seems political or biased, it may cause further conflict. We shall contend that the Right to Redress is a personal right, which cannot be compromised in a peace treaty. The focus on the victim is a strong legal reasoning—a crime establishes a debt that should be repaid to the individual who was harmed, not only to the state. The social cohesion structural need is the feeling of belonging to the legal order. A victim who is not taken care of by the law turns into a legal ghost, a stateless person. Reparations, such as land restitution, medical care, or truth-telling, re-establish the citizenship of that individual. It is an indication that the law has failed you, and now it is time to defend you. This stops a relapse into war. Instead of sending more troops, we should turn the law into a living reality for those who are most likely to despise the system. In order to have lasting peace, we should cease to consider reparations as an appendix and incorporate them into the new social contract.

6. R2P and State Sovereignty: A Re-balancing of Power

Traditional international law considered sovereignty as a sacred shield that enabled a regime to do whatever it wished within its borders. However, the 20th century showed that a state cannot use its right to be left alone as an excuse to kill its own citizens. Sovereignty is no

longer a privilege of a ruler—it is a duty bestowed to defend citizens. This is the Fiduciary Theory of Sovereignty. The immunity of a state depends on its protection of its people. When a state directs its guns against its own citizens, it violates its basic legal contract with the international community. This rebalancing does not annihilate the state—it maintains it by linking legitimacy to the protection of human-rights instead of brute force. The model that formalizes this change is the Responsibility to Protect (R2P), which is based on three pillars that require consideration (Barber, 2023).

Pillar One is the first responsibility of the state to protect its people against genocide, war crimes, ethnic cleansing, and crimes against humanity (Gözen Ercan, 2022). This obligation is not aspirational—it is based on treaties such as the Genocide Convention and the Geneva Conventions. It concerns prevention. Sovereignty is a protection for the people, not dictators. When the state fulfills its role, the international community has no cause to interfere, as it respects domestic space without violating human dignity.

Pillar Two is international assistance and cooperation. This assistance stage recognizes that not all states are evil, but weak. They might not have a working judiciary or professional police force. Pillar Two requires the international community to assist the state in fulfilling its protection responsibilities. This is where Ethical Justice becomes institutional reform. Pillar Two is essential to sustainable peace, although it is frequently underfunded. We stop the next war before it begins, the preventative medicine of international law, by creating a court that people trust (Gallagher, 2015).

Pillar Three is where the actual juridical conflict takes place—a timely, decisive collective action in case a state has failed manifestly to defend its citizens (Bloomfield, 2016). This is the stage of emergency intervention where the UN Security Council can intervene. But the border of manifest failure is disputed—is it a hundred, a thousand, or systematic starvation? The law is intentionally vague, but this vagueness causes inconsistencies. We step in to rescue civilians in certain crises, but tolerate a sham negative peace in others. Why is the Responsibility to Protect (R2P) taken seriously in some crises but ignored in others?

Lon Fuller argued that law only works if it is applied consistently and fairly. He said that for a system to truly count as “law,” it has to follow certain principles, like: Rules must be general (not just targeting specific people). They must be public (people can know them). They must be non-contradictory. They must be reasonably stable over time. Authorities must actually follow and enforce the rules they announce. When these principles are violated, Fuller said the “inner morality of law” is damaged, and the law loses its legitimacy (Murphy, 2005). Realists justify selective enforcement as prudent because intervening everywhere would lead to chaos (Wesley, 2005). But, in legal terms, a world in which the law is a recommendation and not a dictum is anarchic. Impunity is nothing but selective justice. When we accept a negative peace, a ceasefire that leaves the criminals in power, we are sending a message to other regimes that they can commit any crime as long as they have the right friends in the Security Council.

One of the new views that are lacking in the existing literature is Sovereign Recidivism. Treat states that repeatedly fail to protect their citizens as repeat offenders in criminal court. When a state has a record of mass atrocities and then fake peace treaties and amnesties, the R2P threshold of Pillar Three must be much lower. We cannot continue to give sovereign second chances to regimes that make their citizens targets. Likewise, the ICJ’s advisory opinion on building a wall in the occupied Palestinian territory reminds us that every state has a legal interest in protecting universal obligations owed to the international

community as a whole. R2P puts that interest into action: when a crime against humanity is committed in Ethiopia, it also harms people in places like Paris, Lagos, or Tokyo.

Logic would dictate that, to transform R2P beyond a slogan, we need to separate it from the veto authority of the five permanent members of the Security Council (Cüre, 2025). At present, the law is a political prisoner. An innovative approach would give the General Assembly or the ICC a referral power that would activate Pillar Three measures in case the Security Council is paralyzed. We must have a Responsibility to Prosecute that is analogous to the Responsibility to Protect. When a state is unable or unwilling to prosecute its own war criminals, this should automatically activate the jurisdiction of the ICC under the principle of complementarity. This is a bridge between stopping killings (R2P) and fixing the law (Ethical Justice).

In a nutshell, our big task today is to rebalance power between national sovereignty and the Responsibility to Protect (R2P) (Thakur, 2016). We need a world where international law strongly pushes countries to do the right thing. Sovereignty is not a blank check to abuse people but a badge of honor. By still neglecting the inconsistency problem, we inform the world that the lives of victims are at the mercy of mighty actors. Ethical justice requires more, a legal order in which the Responsibility to Protect is not a choice but a duty beyond question. It is only then that we can turn negative peace into a positive reality that is sustainable over time and history.

7. Conclusion: Peace Built on Impunity is a House Built on Sand

When we come to the last synthesis of this analysis, we have to face the reality of modern peacebuilding. Ethical Justice is not a compromise to placate victims or a luxury discussed by scholars. It is a pillar of moral and legal principles. Without it, the whole structure of the state becomes unstable. In this research, we have broken the myth that justice is a barrier to peace. Rather, we have demonstrated that justice is the sole material that is powerful enough to hold a fractured society together. We are not seeing bad luck when we see how often peace treaties based on blanket amnesties or negative peace fail. We are seeing the logical result of a flawed legal system. A peace founded on the rejection of truth and the sheltering of war criminals is a house made of sand. It may seem solid at first, but as the problem grows, the foundation will be swept away.

The last point of this article is that the real reconciliation needs much more than political slogans or the signing of documents in high-end hotels. It demands the practical reality of justice to the people on the ground. We discussed how the Rome Statute Article 7 and the Responsibility to Protect framework establish a non-negotiable duty on states to protect their citizens. To be effective, these laws need to be converted into actions that can be seen and felt. Reconciliation cannot be imposed from the top—it must be nurtured from the bottom, with the understanding that the law is finally serving the weak as well as the strong. When a woman in a village in the country finds the man who ruined her family living in a government-paid villa when she is still in a displacement camp, no peace talk will make her believe that the war is over. The lived reality of justice implies that the law should come into that village, recognize her loss, and give her the reparations and accountability she deserves.

Logic shows that a society cannot recover when it continues to live with the ghosts of its unpunished past. That is why we need to end the delicate silence that guns bring and transition to a legal framework that actually honors human dignity. The world faces a serious choice. We can keep making quick peace deals that bring only short-term calm while damaging long-term trust, or we can commit to the harder, slower work of building real,

ethical justice. The fast solution has turned into an expensive failure that results in five-year relapse cycles that consume resources and the souls of most nations. The world needs to come to a new consensus where impunity is perceived as a threat to international security. Justice is not a side dish that is served after peace– it is the kitchen in which peace is cooked.

We need to cease to regard international law as recommendations and begin to regard it as dictates. The response to a state that is evidently not performing its mandate of protecting its citizens must be prompt and firm, rather than biased and partisan. We must strengthen the institutions, such as the ICC and regional human-rights courts, to be the last line of defence of the social contract. In the meantime, we must promote local healing processes that allow communities to forgive but not forget. The problem of inconsistency must be resolved by placing all states, large and small, allies and non-allies, on the same table of Ethical Justice. It is not only about punishing the bad but also about promoting the good.

Lastly, we need to remember that law is not just a way to control people–it is also a way to put good into action. When the law is so common, and just that violence is inconceivable, then there is sustainable peace. By making Ethical Justice the priority, we do not merely solve a conflict; we create a civilization. We have passed out of an era in which might is the supreme legal principle to an era in which human dignity is the supreme legal principle. It is a long and difficult path, but the other option is endless violence that we can no longer afford to disregard. We prefer to construct our houses on the rock of justice so that when the storms of history come back, as they will come back, the peace we make will remain firm and safe.

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