

RESOLVING INTERNATIONAL CONFLICTS

OVERVIEW

- Introduction
 - NATO
 - NORAD
 - UN Peacekeeping
 - INTERPOL
 - The Geneva Conventions
 - War Crime Trials
 - International Criminal Court
 - Questions, Discussions and Additional Info
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INTRODUCTION

- Countries will have conflicts
- To resolve conflicts they need an impartial, international tribunal
- Diplomacy
- Mediation
- Arbitration
 - ICJ
- Security Council is the last measure

NATO

- April 1949 – North Atlantic Treaty Organization
- Originally – 12 countries
- Mutual defence
- Collective security
 - If one member is attacked the others will come to defend it
- Post Cold War, focus was on conflicts in Europe
 - Bosnia and Herzegovina (1995)
- September 12, 2001 NATO invoked Article 5
- 21st Century: Afghanistan, Iraq, Mediterranean, African Union
- Canada's contribution



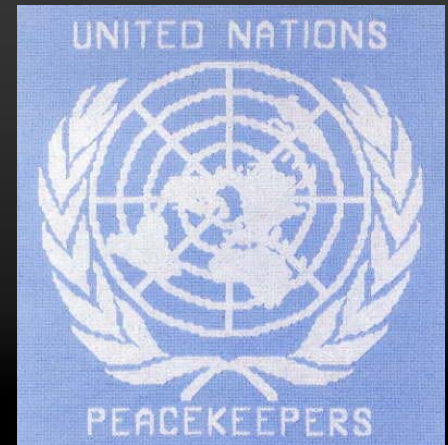
NORAD

- 1958 Canada + US established NORAD
- Monitor and defend North American airspace
- Watching, Warning, Responding
- 9/11
- 2006 renewal and Maritime Warning Mission



UN PEACEKEEPING

- Department of Peacekeeping Operations
 - Maintain international peace and security
 - Deploy equipment, services, financial resources, and personnel
 - Controlled by Security Council, General Assembly, Secretary-General
- Peacekeeping Missions
 - Use military to prevent conflict across borders
 - Stabilize conflict after a ceasefire
 - Implementing peace agreements
 - Lead nations through transition to stable government



UN PEACEKEEPING CONTINUED

- Two types of operations: unarmed observers and lightly armed military forces
- Peacekeepers supervise ceasefires and help negotiate peace agreements
- Canadian involvement
 - PM Pearson urged UN to send Peacekeeping forces to Suez Canal
 - Since 1948 Canada has participated in almost every mission.
- Peacekeeping Missions: Cambodia, Rwanda, Somalia, Yugoslavia, Afghanistan

INTERPOL

- International Criminal Police Organization
 - Uses cross border police to prevent and combat international crime
 - Limitations
 - Existing laws within countries
 - Universal Declaration of Human Rights
 - Requirements
 - Crimes must overlap several countries
 - Concern public safety
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THE GENEVA CONVENTIONS

- Several protocols that help protect the vulnerable and defenceless during a conflict
- Human dignity must always be respected
- 1st convention (Convention for the Amelioration of the Wounded and Sick in Armed Forces and Field, 1864)
- 2nd convention (Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, 1899)
- 3rd Convention (Relative to the Treatment of Prisoners of War, 1929)
- 4th Convention (Relative to the Protection of Civilian Persons in Time of War, 1949)
- Red Cross and the Red Crescent

WAR CRIMES TRIALS

- After WWII
- Charge individuals who violate international laws
- Nuremberg and Tokyo Trials
 - German and Japanese indicted
- UN created war crimes tribunal after the Cold War ended
- Ad hoc tribunals addressed conflicts in the former Yugoslavia and Rwanda

INTERNATIONAL CRIMINAL COURT

- ICC established in 1998 in the Hague, Netherlands
- Permanent and independent court
- Tries accused for the most severe crimes
- Only prosecutes individuals if their own country is unable to
- Roman Statute of the International Criminal Court

Event/Trial	Who was involved?	What were the charges?	Describe the events that led to the trial or tribunal	What were the results of Trial/Tribunal
Nuremberg 1945	<ul style="list-style-type: none"> -Allied forces of WWII - 24 major war criminals who participated in the Nazi Party during WWII -6 organizations also were indicted for aiding the Nazis 	<ul style="list-style-type: none"> -crimes against peace -War crimes -Crimes against humanity 	<ul style="list-style-type: none"> -The Nazi Party initiated and started WWII -Basically destroyed Europe -Sought to exterminate various social groups - Organized and controlled systematic murder of millions 	<ul style="list-style-type: none"> -12 accused were sentenced to death -4 received prison sentences (10- 20 years) -3 received life imprisonment -3 acquitted - Established what constitutes a war crime (Nuremberg Principles)

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Tokyo Trial, 1946	-Leaders of the Empire of Japan -28 Japanese military and political leaders (9 civilians, 19 military officials)	-Class A: "Conventional War Crimes" – top Japanese leaders who planned and directed war - Class B "Crimes against Peace" – prerequisite to prosecution - Class C: "Crimes against Humanity"	-Japan allied with German Nazis during WWII -Mass murdered, raped, pillaged, and tortured helpless civilian population -military regime murdered millions -Committed severe war atrocities on the Chinese population (Nanking)	-12 accused were sentenced to death -4 received prison sentences (10- 20 years) -3 received life imprisonment -3 acquitted -Established what constitutes a war crime (Nuremberg Principles)

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Former Yugoslavia tribunal 1993	<ul style="list-style-type: none"> - persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 - accused ranged from common soldiers to high military officials to top government officials (PM) 	<ul style="list-style-type: none"> - Severe breaches of the Geneva Conventions - Violations of laws or customs of war, genocide, and crime against humanity 	<ul style="list-style-type: none"> - Yugoslavia participated in the Croatian War of Independence and Bosnian War - In both wars there were several atrocious acts including War Rape - Also Genocide of Serbian, Croatian and Bosnian peoples 	<ul style="list-style-type: none"> -Brought justice to individuals who would have otherwise not been prosecuted in the former Yugoslavia -Strengthened the Rule of Law (international standard) - Indicted 161 individuals (completed proceedings with 126): 13 acquitted, 64 sentenced, 13 have cases transferred to local court, 36 cases terminated

Event/Trial	Who was involved?	What were the charges?	Describe the events that led to the trial or tribunal.	What are the results of Trial Tribunal?
Rwanda War	<ul style="list-style-type: none"> - Top Rwandan government officials who controlled and participated in highly organized genocide 	<ul style="list-style-type: none"> - Violations of Common Article Three and Additional Protocol II of the Geneva Conventions - Genocide, crimes against humanity, war crimes 	<ul style="list-style-type: none"> -Rwandan Civil War -conflict between gov. of Habyarimana (Hutu) and the rebel RPF (Tutsi) -100 days of mass genocide <ul style="list-style-type: none"> -highly organized by top gov. officials -more than 800,000 Rwandans killed -militia members, armed forces, and civilians carried out atrocities mainly against Tutsi ethnic minority 	<ul style="list-style-type: none"> -50 trials have been concluded (29 accused convicted) -11 trials in progress -14 people waiting for trials in detention -First trial, of Jean-Paul Akayesu, established precedent that rape is a crime of genocide

Q & A

- Q: Evaluate Canada's role in NATO and NORAD. Are such organizations important in the twenty-first century?
- A: NATO
 - Member AND a principal initiator
 - Article 2 – “free” political system & promote economic cooperation
 - Originally troops stationed in Germany & Norway
 - 1950's Canada one of the largest military spenders
 - NATO mission in Germany, Afghanistan, Kosovo War, and Libya
- B: NORAD
 - CFB Winnipeg, surveillance and control of Canadian airspace
 - Royal Canadian Air Force

Q & A CONTINUED

Q: How can the limitations given to INTERPOL make it difficult to enforce international law?

A:

- Forbidden from any intervention, or activity of a political, military, religious or racial character.
- Actions limited by domestic laws
- Must be to the spirit of *Universal Declaration of Human Rights*
- Crimes must overlap several nations
- Crimes must be endanger public safety
- E.g. Terrorism, Drug Trafficking, Human Trafficking

Q & A CONTINUED

Q: What are Canada's current contribution both financially and military to UN peacekeeping operations?

A:

- Decline in Canada's role in UN peacekeeping operations
 - March 2007- Canada ranked 59th out of 114 countries in military and police contributions
 - Minimal budget support (3% of UN's total budget)
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PROSECUTING WWII CRIMINALS IN CANADA

Pro	Con
<ul style="list-style-type: none">• Justice must be served• Canada's international responsibility• Repentance for the None is too Many policy• Guarantees fair trial	<ul style="list-style-type: none">• Opens up old wounds• No longer a threat• Accused are in poor health• Unreliable Witnesses (old)• Old Evidence• Language Barrier

Which do you agree with?

DEPORTATION??

- 1992 – Canada deports Jac Luitjens to Holland for crimes he committed during WWII
- Since 1995, revoking of Canadian citizenship and deportation is strategy for War Crimes
 - Do you agree? Attempt prosecution or deportation?

Prosecute	Deport
<ul style="list-style-type: none">• Made sure it is a fair trial• Guaranteed not to escape	<ul style="list-style-type: none">• Less money• Not our problem• Opportunity to be judged by their people

- 2000 – Canada proclaimed *Crimes Against Humanity and War Crimes Act*
 - States that Canada must prosecute any individual in Canada for a war crime, genocide, or crimes against humanity
 - Is it important important that Canada's domestic legislation be compatible with the international agreement of the new International Criminal Court?
 - It is essential as the whole point of International Law is that it is mutually agreed by all countries.
 - If our country's legislation contrasted with the ICC's then there would be conflicts for no good reason.

Q & A

- How is the International Criminal Court (ICC) different from the International Court of Justice (ICJ)?
- A:
 - The ICJ settles legal disputes between countries.
 - It is a civil court where contentious issues are dealt with
 - The ICC deals with charging those who commit crimes against humanity, war crimes or genocide
 - It mainly prosecutes people (albeit leaders)
 - ICJ = countries in a civil case, ICC = world against a leader in a criminal case

DISCUSSION CONTINUED

- “When the conduct of nations is taken into account, the law will perhaps be found to be that only a lost war is a crime.” – “Victor’s Justice”
 - Do you agree with Justice Pal? Why or why not?
 - Should A-bomb perpetrators be tried?
 - Do you think peacekeepers are successful in ending conflicts?
 - Should peacekeepers be allowed to use force to end conflicts rather than maintaining a strictly neutral position?
 - How difficult is it to monitor that Geneva Conventions are followed?
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