“We have the means and the capacity to deal with our problems, if only we can find the political will”
Kofi Annan
Nature of World Order

Article 1 UN Charter: to promote international peace and harmony and reduce conflict

A WORLD ORDER issue will:

- involve crimes against humanity (including war crimes)

AND/OR

- Effect regional/global security
UN STRUCTURE
* Veto
* inter state v intra state

STATE SOVEREIGNTY

Obstacles to achieving WORLD ORDER

POLITICAL WILL

COMPETING IDEOLOGIES
* Resources
* responses
RESPONSES

- International Instruments
- Media
- Courts and Tribunals
- Intergovernmental Organisations
- ICRC
RESOLVING DISPUTES

- Force as a last resource…….. why?

The alternatives

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Examples</th>
<th>Issues</th>
</tr>
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<tbody>
<tr>
<td>Political negotiation</td>
<td>Syria- (IGO, US, UN)</td>
<td>● non-binding</td>
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<td></td>
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<td>● requires political will</td>
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<td></td>
<td></td>
<td>● bargaining power?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>● slow</td>
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<tr>
<td></td>
<td></td>
<td>● cheap</td>
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<tr>
<td>Persuasion</td>
<td>Sanctions, embargoes (North Korea, Iraq, Syria)</td>
<td>● impact on civilians/businesses</td>
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<td></td>
<td>Membership withdrawal (Zimbabwe, Syria)</td>
<td>● quality of compliance?</td>
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<td></td>
<td>Foreign aid (arc of instability)</td>
<td>● consistency?</td>
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COURTS and TRIBUNALS

HOW CAN WE HOLD PEOPLE ACCOUNTABLE FOR THE MOST HEINOUS CRIMES THAT OCCUR DURING CONFLICT?

Ad hoc development

Nuremberg
UNAKRT/ECCC
(Cambodia)

ICTY

ICTR
<table>
<thead>
<tr>
<th></th>
<th>ICTY</th>
<th>ICTR</th>
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<tbody>
<tr>
<td>Duration</td>
<td>1993- now</td>
<td>1995 last appeal decision expected this year</td>
</tr>
<tr>
<td>Convicted</td>
<td>80</td>
<td>61</td>
</tr>
<tr>
<td>Budget/cost</td>
<td>2014/2015 $179 998 600 2010/2011 $286 012 600</td>
<td>nearly $2 billion</td>
</tr>
</tbody>
</table>
| Achievements            | ● applies legal aid  
● determined enslavements and persecution, systemic rape = crimes against humanity | ● recognised rape as a means of perpetrating genocide  
● first international tribunal to deliver verdict in respect to genocide |
| Limitations             | ● slow and costly                         | ● slow and costly  
● victor justice?  
● witnesses          |
| Case                    | Prosecutor v. Drajan Nikolić               | Nahimana et al.-“media case”- members of the media held responsible for broadcasts intended to inflame the public to commit genocide |
INTERNATIONAL CRIMINAL COURT

- Established by the Rome Statute
- First permanent international criminal court

<table>
<thead>
<tr>
<th>POSITIVES</th>
<th>ISSUES</th>
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<tbody>
<tr>
<td>● Deterrent</td>
<td>● 12 years- 2 convictions- $1 billion</td>
</tr>
<tr>
<td>● Established response</td>
<td>● must be signatory OR have a UNSC resolution</td>
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<tr>
<td>● Consistency</td>
<td>● avoiding jurisdiction eg. Omar Al Bashir - arrest warrant since March 2009</td>
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<tr>
<td>● Rule of law</td>
<td></td>
</tr>
<tr>
<td>● Natural Justice</td>
<td></td>
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<td>● Will act only if national government is unwilling/unable</td>
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R2P

- humanitarian intervention (Kosovo) ➔ R2P (Libya)
- developed/gained momentum from IGOs and NGOs
- UNSC support since 2006

**KEY ASPECTS:**
- Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people.

**3 PILLARS**
- The State carries the primary responsibility for protecting populations from genocide, war crimes, crimes against humanity and ethnic cleansing, and their incitement;
- The international community has a responsibility to encourage and assist States in fulfilling this responsibility;
- The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.
A tale of two responses:

<table>
<thead>
<tr>
<th>Libya</th>
<th>Syria</th>
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<tr>
<td>● UN resolution 1973</td>
<td>● lack of consensus in response</td>
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<tr>
<td>● escalation</td>
<td>● UN Special Advisors 2012- recommended R2P/ referral to UNSC</td>
</tr>
<tr>
<td>- IGO condemnation</td>
<td>● UNSC- prohibition of chemical weapons, support for ceasefire, veto</td>
</tr>
<tr>
<td>- Nation States- sanctions, freezing of assets</td>
<td>used to stop ICC referral/intervention</td>
</tr>
<tr>
<td>- UN condemnation/ no-fly zones</td>
<td>● ongoing</td>
</tr>
<tr>
<td>● UN resolution 1973 “affirms, clearly and unequivocally, the international community's determination to fulfill its responsibility to protect civilians from violence perpetrated upon them by their own government” “all necessary measures”</td>
<td></td>
</tr>
<tr>
<td>● ICC</td>
<td></td>
</tr>
<tr>
<td>● NATO enforcement</td>
<td></td>
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<tr>
<td>● regime change</td>
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ICRC- NGO with a difference

Under the 1949 Geneva Conventions and additional protocols of 1977 the ICRC has a mandate to:
- visit and register POWs, delivering mail and food parcels
- deliver emergency humanitarian aid to civilians in the midst of armed conflict
- train armed forces about IHL
- extend and develop the Geneva Conventions

In order to maintain status with all parties:
- neutral
- separate operations to UN and other NGOs (in Bosnia refused UN escorts)
- ‘first in last out’ (didn’t evacuate when others did in Afghanistan)
Go beyond raise awareness and bias issues

Consider the impact of:

- 24 hour news cycle
- less reliance on mainstream media
- costs
- social media

**Case Study**

Syria

Reports of chemical weapon use first became apparent on social media pages, with images being uploaded. Linked to Doctors without borders.
Never forget

**Principal focus:** Through the use of contemporary examples, students investigate the effectiveness of legal and non-legal measures in promoting peace and resolving conflict between nation states.

**Themes and challenges to be incorporated throughout this topic:**
- the role of law in encouraging cooperation and resolving conflict in regard to world order
- issues of compliance and non-compliance
- the impact of changing values and ethical standards on world order
- the role of law reform in promoting and maintaining world order
- the effectiveness of legal and non-legal responses in promoting and maintaining world order.
The Marking Centre wants you to:

● know the difference between a world order issue and a human rights or global issue.
● do more than identify a response - explain the outcome
● avoid being too descriptive with your case studies
● engage meaningfully with the question
● make a judgement (be critical)
● use evidence - cases, media, case studies