

PROPOSAL TO THE CALGARY CENTRE FOR GLOBAL COMMUNITY (CCGC)

Program title:

International Humanitarian and Human Rights Law Centre: promoting the realisation of human rights through enhanced understanding of the law and states' duties therein.

Proposal submitted by:

Lawyers Against the War (LAW).

The *International Humanitarian and Human Rights Law Centre* (Law Centre) proposal is submitted jointly, with a shared budget, by LAW and Lawyers Rights Watch Canada (LRWC). This proposal from LAW addresses international humanitarian law education programs for the Law Centre. A companion proposal from LRWC outlines international humanitarian law (IHL) education programs.

Abstract:

The Law Centre education programs proposed by LAW seek to enhance the implementation and enforcement of international humanitarian law (IHL) by providing the public with access to quality education about the purpose, substance, application and enforcement of the body of law intended, through prohibitions on states' use of force, to promote and maintain world peace and protect individual rights against war. The proposed IHL education programs will offer information, education and capacity-building on IHL as well as undertake research, facilitate civil society engagement and enable public policy dialogue on IHL issues. Currently no facility in Canada provides an ongoing program of public IHL education and lack of knowledge is a significant impediment to meaningful enforcement and to the further development and maturation of IHL. The proposed Law Centre will provide a unique public education service and may stimulate similar programs elsewhere.

Background:

During the past 60 years the international community, convinced that war threatened survival, developed a body of IHL to ensure peace by restricting the right of states to use military force against other states (crime of aggression) and against individuals and groups (war crimes and crimes against humanity) and by imposing criminal sanctions on officials who committing such crimes whether in the furtherance of state policy or not.

Current events demonstrate a gap between IHL and practice that has left millions worldwide unprotected from military aggression.¹ Enforcement is lacking, key policy makers have ignored IHL as irrelevant² and other have followed this lead³. Ignorance of IHL at all

¹ The John Hopkins Bloomberg School of Public Health, in a study published in the October 2006 *Lancet*, estimated that between March 2003 and July 2006, 654,965 Iraqi people died as a consequence of the U.S./U.K.-led invasion and occupation of Iraq.

² "[t]his new paradigm [war on terrorism] renders obsolete Geneva's strict limitations on questioning of enemy prisoners...", Alberto Gonzalez, then White House counsel, *Memorandum to President Bush*, January 22, 2002. http://lawofwar.org/Torture_Memos_analysis.htm

³ "...captured fighters don't deserve these rights." Lieutenant-General Michel Gauthier of the Canadian Armed Forces quoted in, *Canadian troops told Taliban not protected by Geneva Conventions*, *Globe and Mail*, May 31/06.

levels remains a significant impediment to meaningful enforcement. Effective IHL enforcement depends on the existence of a broad public consensus based on knowledge and understanding. There is significant potential to challenge the erosion of IHL and contribute to building this consensus through public education programs designed to provide information, develop advocacy skills and facilitate informed dialogue. The Law Centre will deliver a multi-faceted program addressing the gap between IHL law and practice through education.

Specific aims:

Using the three-centre concept, LAW will design and deliver public IHL education programs at varying levels of complexity to:

- Enhance knowledge and understanding of the purpose, substance and scope of IHL and of the potential of IHL as a tool to achieve and maintain peace and protect rights;
- Create awareness of IHL as part of Canadian law and of Canada's role to promote domestic and international adherence;
- Promote respect for the rights defined by IHL;
- Build the capacity of NGOs and individuals to participate in the development of IHL;
- Contribute, through collaboration and partnership with others, to the development of a culture of peace within Canada and internationally.

CCGC visitors will have the option of pursuing topics introduced in the Visitors' Centre in greater depth at the Conference and Connections Centres.

In the Connections Centres LAW will offer lectures and courses on topics of general interest, tailored to meet special information needs and on current IHL issues.

IHL presentations at the Conference and Connections Centres will maximize access to internationally recognised IHL experts and participation in international dialogue through use of video conferencing and other information and communication technologies. Jurists with IHL expertise have confirmed interest in participating in such public education program. Following are some preliminary proposed aims for education modules suitable for each centre.

For the Visitors Centre:

To design and produce activities and installations introducing visitors to IHL using a variety of educational mediums including storyboards, documentaries, self-directed computer links and video games and theatre presentations. Activities and installations will include:

1. Illustrations of the development and application of IHL through the use of storyboards, short (15 minute) group videos, interactive videos and IHL 'search' games, short (30 minute) lectures and dramatizations of IHL application to real world problems.
Highlights would include Canada's participation in the development of IHL and examples of specific IHL instruments such as the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the Geneva Conventions.
2. Introductory virtual tours of significant human rights institutions and tribunals: United Nations (UN), International Criminal Court, International Court of Justice, International Tribunal for the Prosecution of Persons Responsible for Serious Violations in the former Yugoslavia, International Criminal Tribunal for Rwanda.
3. Exhibits and thematic displays of international and Canadian monitoring and investigating bodies and enforcement mechanisms.
4. Exhibits and thematic displays of the use of military force (Vietnam, Rwanda, Sudan) and of days significant to the development of IHL, (Day in Commemoration of Victims of the Holocaust, Hiroshima Day) with a legal focus.

5. Exhibits and thematic displays on IHL application including citizens and NGOs advocacy with links to further information where appropriate. (e.g. Asociación Madres de Plaza de Mayo/Argentina, Public Interest Lawyers/England, Republican Lawyers Association/Germany, Center for Constitutional Rights/U.S., International Criminal Tribunal for Afghanistan at Tokyo/Japan, Joan Garcés/Spain, Distomo victims/Greece)

For the Conference Centre:

To promote international dialogue, information exchange, skills building and collaboration on IHL through:

1. Workshops on current IHL issues and dialogues between the CCGC students and participants and experts in other locations through the use of video-conferencing.
2. Workshops on initiatives to promote enhanced IHL implementation and adherence.
3. An annual conference, beginning in the 3rd year of CCGC operation mandated to produce law-based analyses and proposals for resolution of current IHL issue(s).

For the Connections Centre:

To design and deliver a curriculum of lectures and courses on IHL that meets the needs of the general public and the special information needs of others such as NGOs, advocates, journalists, educators, students and policy makers. Lectures and courses will be of varying length from two hours to five days. Content will range from broad introductory themes (e.g. development and purpose of IHL, instruments, monitoring and enforcement, Canada's role) to more specialised topics (the *Rome Statute of the International Court*, the *Conventions Against Torture and Genocide* and the *Geneva Conventions*, universal jurisdiction, immunity).

N.B. Possible IHL topics are listed in Appendix I. Final curriculum planning will be based on the survey results and availability of lecturers and participants.

Methods and resources required:

The Law Centre public education programs will span teaching, research, civil society engagement and public policy dialogue. The program approach recognises and will seek to strengthen the linkages between these. Key principles guiding the program include academic excellence, solidarity, respect and care for colleagues, ethical integrity and ongoing inquiry. LAW will take a learning approach to the first three years of this program of work, with a strong focus on monitoring and evaluation towards ensuring programs meet real needs, build legitimacy, and maintain a standard of excellence. The Law Centre's approach will contribute to and maximise the synergy with the work and operations of CCGC.

LAW will:

1. Identify IHL education needs through our current knowledge base, a survey of NGOs, interviews with experts, educators and activists and through the use of focus groups to critique and develop proposals for all three centres.
2. Prepare a curriculum of IHL lectures and courses for the Connections Centre, including the identification of resource materials, lecturers and panellists and possible participants. Design and delivery of lecture, courses and materials will be done in consultation with knowledgeable NGOs, jurists and experts working with and impacted by issues and situations involving IHL.
3. Create a program of IHL seminars, workshops and dialogues for the Conference Centre.
4. Design IHL education installations for the Visitors' Centre, select existing audio/visual materials, design content of original audio/visual materials, identify theatre productions and design lectures.
5. Develop a IHL database and website page for the Law Centre portion of CCGC.

LAW will require assistance with the:

- Design and selection of Visitors' Centre installations from educators and museum experts.
- Design and production of computer and video games and links from information and communications technology (ICT) and museum experts.
- Design and creation of the database and website from ICT experts.
- Design and production of original audio-visual materials from film and museum experts.
- Production of storyboard and other still installations from graphic design specialists and museum experts.

Budget estimate:

LAW and LRWC have submitted a combined budget proposal for the development of the Centre. The budget estimate is attached as Appendix II. Development and administration costs of the Centre are anticipated at \$159,500 per year.

Statement of significance:

The Law Centre, through providing public IHL education and skills building will make a significant contribution to improved IHL adherence, enforcement and development and towards a global community characterized by peace and respect for universal rights. The Law Centre programs will contribute directly to the realization of CCGC's goals of improving knowledge and competencies for responsible citizenship.

Information on LAW and the authors:

LAW is a Canada-based committee of jurists and others from 14 countries who oppose war and promote adherence to international humanitarian law. LAW has participated in many IHL public education initiatives including: producing and delivering legal briefs, lectures, articles and public statements and contributing to media coverage of IHL issues. LAW has also initiated and participated in pioneer efforts to enforce IHL sanctions against war crimes and crimes against humanity in Canada, Germany and through the United Nations.

Gail Davidson is a member of the Law Society of BC, the co-founder and Chair of LAW, the founder and Executive Director of Lawyers Rights Watch Canada and the 2004 recipient of the University of British Columbia, Alma Mater Society Great Trekker Award for her contributions to human rights.

Siobhán Airey has worked to reconcile social policy, human rights and community activism in various jurisdictions including Ireland, the European Union, Bangladesh and Canada. She has an LLM in International Human Rights Law from the Irish Centre for Human Rights, National University of Ireland Galway and a Masters in Equality Studies from the University College Dublin.

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