



REFORMATION OF INTERNATIONAL JUDICIAL INSTITUTIONS AS KEY TO GLOBAL CONFLICT PREVENTION

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DECLARATION

I declare that this research is my own, unaided work. It is being submitted for the degree of Master of Arts in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

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15th day of FEBRUARY in the Year of our Lord 2007

ABSTRACT

The settlement of international disputes by peaceful means has been described as one of the principles basic to the whole structure of the international system. It has been contended that this principle is the natural corollary for the prohibition of the use of force in settlement of international disputes enshrined in Art. 24 of the United Nations Charter, and embodied in Art. 2 (3). The UN's organ assigned this mediation role is the International Court of Justice (ICJ) for matters with respect to state responsibility. The International Criminal Court (ICC), the International Criminal Tribunal for Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), and the Special Court of Sierra Leone are international tribunals with jurisdiction to try matters relating to individual criminal responsibility. At continental as well as at regional levels, some states have set up their own institutions to peacefully manage conflict amongst them and in the broader region. Nevertheless, the question—*in a world where dispute settlement institutions and processes are supernumerary relative to conflicts, can they effectively serve as key to conflict prevention?* remains a major concern. Based on critical research, this report inquires whether conflict prevention is mythical or an attainable objective and whether the international judiciary which is *prima facie* a conflict mediation body can catalyze conflict prevention. In attempting to answer these questions, an understanding of the concepts of free and fair trial is preponderant; coupled with understanding current debates about the undermining of international justice by the states.

DEDICATION

*In memory of my Grand Father,
Paa LUKONG Stephen who passed away on
January 30, 2007.*

*AND TO ALL WHO ARE IN AND WHO
HAVE LOST THEIR LIVES IN THE STRUGGLE
FOR GLOBAL CONFLICT PREVENTION*

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ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
ADHRDM	American Declaration of Human Rights and Duties of Man
ADR	Alternative Dispute Resolution
AJIL	American Journal of International Law
DRC	Democratic Republic of Congo
ECHR	European Convention on Human Rights
HRC	Human Rights Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICT	International Criminal Tribunal
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for Yugoslavia
IJI	International Judicial Institutions
IMF	International Monetary Fund
NATO	North Atlantic Treaty organization
NGO	Non-governmental Organization
SIPRI	Stockholm International Peace Research Institute
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights

UN	United Nations
UNCAT	United Nations Convention Against Torture
UNITAR	United Nations Institute for Training and Research
UNSC	United Nations Security Council
US	United States
V	Versus
WTO	World Trade Organization
ZOPA	Zone of Possible Agreement