Ontario International Development Agency
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Pearson Lecture Series presents

“Innovating Ideas for a Better World”

Symposium on Genocide and Reconciliation
Canada and Beyond

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CF Eaton Centre
525 Bay Street
Toronto, ON M5G 2L2
Ontario International Development Agency

International Conference on Sustainable Development 2019
Boston, USA

“Innovating Ideas for a better world”

Harvard University
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77 Avenue Louis Pasteur,
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International Centre for Interdisciplinary Research in Law (ICIRL),
Centre for Research in Social Justice and Policy (CRSJP) at Laurentian University and
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and
Montclair State University
Department of Earth & Environmental Studies
1 Normal Avenue
Montclair, NJ 07043
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Summary of Findings

Symposium on Genocide and Reconciliation: Canada and Beyond

Dr. Neville Hewage, Ph.D.
Adjunct Professor – Law and Justice
Laurentian University, Sudbury, Canada

Alleged genocide claims against Sri Lanka will not be substantiated. According to investigations there is no intent to destroy whole or in part of the Tamil ethnic minority. It has not clearly proven. Only 70% of the Tamils are living North and East of the country. The other 30% well integrated with to rest of the communities and living peacefully. The war affected only Tamils living in the north part of the country. It is a fight against terrorist group Liberation Tigers of Tamil Eelam (LTTE).

While applying the fundamental legal principle in determining genocide against an act of counter terrorism is highly controversial and does not meet criterions to establish threshold genocide. In the absence of such intent to destroy whole or part of the Tamil ethnic group, genocide claim against Sri Lanka failed. However, there is reasonable evidence to support the genocidal act against Rohyngya ethnic group. This matter is now before the International Court of Justice and commenting on this issue is not appropriate.

Dr. W. Andy Knight, Ph.D
Professor of International Politics and Relations
University of Alberta, Canada

Dr. Knight argues that the international community has other tools in its arsenal beside judicial remedies to deal with the perpetrators of crimes against humanity. The key will be to understand the underlying reasons why the conflicts in those two countries emerged in the first place and then make a valiant and honest attempt to address those reasons. Apart from the tools available in Chapter Six of the UN Charter, perhaps the peace and reconciliation process ought to be tried in each case as a means of building a peace that is truly sustainable. All stake holders involved with the conflict need to involve with reconciliation and consider tools that available in Chapter Six of UN Charter.

Dr. Christopher Isike, Ph.D.
Professor of International Relations
University of Pretoria, South Africa

When a conflict is classified as genocide, it seems it draws benefits for the affected populace, unlike when classified as for instance a civil war. Thus, the semantics of classifying conflict as genocide must abide by the UN “intent to destroy” of one group by another. With the comparison of Nigeria and Rwanda we can analyze if it is productive to focus on framing a conflict or go beyond it and kick start the reconciliation process. These principles universally apply to all conflicts including Tamils in Sri Lanka and Rohingya in Myanmar. All parties now must focus on the reconciliation process since the intent to destroy whole or part of the Tamil ethnic group not established in Sri Lanka.

Dr. Masadur Rahman, Ph.D.
Emeritus Professor of Sociology
Nord University, Norway

One school claims that ethnic and national identities are constituted by common objective pre-existing characteristics, such as language, race, religion etc. These characteristics are shared and constitute the basis of unity of people, and distinguish from other people with different characteristics. Another view perceives ethnicity and nationality as ideologically socially constructed and, politically manipulated by elites for control over resources and privileges. Thus language, religion, and territorial affinity acquire their importance when they are used as a basis for awareness creation and social mobilization. The Tamils in Sri Lanka an example.
Symposium of Genocide and Reconciliation
Canada and Beyond

Symposium Objective
- The symposium proposes multidisciplinary strategies for economic socio-political, cultural and institutional changes, and support reconciliation efforts.
- Symposium will also analyze social, political, legal issues surrounding genocide claims against Canada, Sri Lanka, Myanmar and beyond.

Our Speakers

Dr. Andy Knight, Ph.D.
University of Alberta, Canada

Dr. W. Andy Knight is former Director of the Institute of International Relations in Trinidad and past Chair of the Department of Political Science of the University of Alberta, Canada. He is currently Professor of International Relations in the Political Science Department at the University Alberta, Canada and a Fellow of the Royal Society of Canada (FRSC). He has written and edited several books on Global Politics, the United Nations, Terrorism, Building Sustainable Peace and Regional integration movements. His most recent books include: Female Suicide Bombings: A Critical Gendered Approach (with Tanya Narozhna of the University of Winnipeg) published by University of Toronto Press in 2016; Remapping the Americas: Trends in Region-Making, with Julian Castro-Rea & Hamid Ghany (Ashgate2014); The Routledge Handbook of the Responsibility to Protect (with Frazer Egerton) – Routledge2012; Towards the Dignity of Difference?: Neither end of History' Nor' clash of Civilizations' (with Mojtaba Mahdavi)– Ashgate 2012; and Global Politics (with Tom Keating) – Oxford University Press 2010.

Abstract

Dr. W. Andy Knight, Ph.D
University of Alberta, Canada

This paper acknowledges that the policy debate on what to do about the alleged crimes committed in both Myanmar and Sri Lanka is fraught with obstacles and pitfalls. In the case of Myanmar, Canada’s special envoy for Myanmar, Bob Rae, helped build support for a genocide prosecution filed by Gambia with the International Court of Justice against the Myanmar government for its systematic atrocity crimes which forced the expulsion of over 700,000 Rohingya Muslims from Myanmar. The goal of the Canadian government is clear: impunity for those who commit the most egregious crimes against humanity should not be tolerated and perpetrators should be held to account in order that justice for the victims and survivors be served.

During more than twenty-six years of violent conflict in Sri Lanka, both the dominant group, the Sinhalese, and the minority ethnic group, the Tamil, were accused of committing atrocity crimes. Despite the end of the civil war, lasting peace has not yet been achieved in Sri Lanka.

I argue that the international community has other tools in its arsenal beside judicial remedies to deal with the perpetrators of crimes against humanity. The key will be to understand the underlying reasons why the conflicts in those two countries emerged in the first place and then make a valiant and honest attempt to address those reasons. Apart from the tools available in Chapter Six of the UN Charter, perhaps a peace and reconciliation process ought to be tried in each case as a means of building a peace that is truly sustainable.
Christopher Isike, PhD is a Professor of African Politics and International Relations Department of Political Sciences, University of Pretoria, Hatfield, South Africa. An Africanist scholar by research standpoint, Prof Isike’s teaching and research interests revolve around the quality of women’s political representation in Africa, women and peace-building in Africa, African immigration to South Africa, human security, human factor development in Africa, African soft power politics and development dynamics. AC3 rated researcher by South Africa’s National Research Foundation (NRF), Prof Isike has published scores of quality articles in international peer-reviewed journals. He consults for the UNFPA, UNICEF, UN women and the Kwa Zulu-Natal provincial government on gender equality and women empowerment issues in the province. In recognition of his work on gender equality in Africa, he was selected by the South African government to be part of a Kwa Zulu-Natal government delegation to Ethiopia on a study tour to explore its social transformation model in ending early childhood/forced marriages in 2013. Prof Isike has just finished a one year sabbatical stint as Senior Research Advisor at the Shell Petroleum Development Company in Nigeria where he was a programme monitoring and evaluation specialist in the External Relations Department of the company. He is a Council and Executive member of the South African Association of Political Science (SAAPS), a member of the International Political Science Association (IPSA), Canadian Association of African Studies (CAAS), EPOS; Global conflict mediation and resolution net work and Ontario International Development Agency (OIDA).

Abstract

Framing Genocide and Reconciliation: Universal Approach

The characterization or classification of conflict as genocide or not, is a function of framing. Framing of conflict helps us to understand, interpret the world around us and organize complex phenomena into coherent, understandable categories. When we label a phenomenon, we give meaning to some aspects of what is observed. Thus, frames provide meaning through selective simplification, depending on the context, frames may be used to conceptualize and interpret, or to manipulate and convince. Putnam and Holmer hold that framing are vital to the negotiation process and are tied to information processing, message patterns. The characterization of conflict may be positive or negative, parties to intractable conflict often construct characterization frames for others that significantly differ from how other parties view it. Each party to a conflict has its own perception and understanding of the conflict which often requires framing analysis. Framing analysis can be used by third party, parties to the conflict or individual stakeholders to better understand conflict dynamics. It can be used retrospectively (to understanding past conflicts) and prospectively (as a tool for better managing an existing conflict). Retrospectively, it seeks to better understand conflict dynamics in order to learn lessons for the future. Prospectively, it advances consensus building in both the conflict assessments and intervention stages.

When a conflict is classified as genocide, it seems it draws benefits for the affected populace, unlike when classified as for instance a civil war. Thus, the semantics of classifying conflict as genocide must abide by the UN “intent to destroy” of one group by another. With comparison of Nigeria and Rwanda we can analyze if it is productive to focus on framing a conflict or go beyond it and kick start the reconciliation process. These principles universally apply to all conflicts including Tamils in Sri Lanka and Rohingya in Myanmar.
Neville Hewage, Ph.D. is an Adjunct Professor of the Law and Justice Department Laurentian University, Sudbury, Ontario, Canada. He also is a research fellow of the International Centre for Interdisciplinary Research in Law at Laurentian University. He is a managing editor for OIDA International Journal of Sustainable Development. The OIDA IJSD Journal indexed in SSRN, EBSCO, DOAJ, AMICUS Canada Library and Archives databases. He involved in a wide variety of international development projects across the world. Dr. Hewage is a conference co-chair for International Conference on Sustainable Development organized by the Ontario International Development Agency (OIDA). The conference is a multi disciplinary forum and discusses all issues related to human development and solutions adapted. Dr. Hewage is a member of the Law Society of Ontario and licensed to provide legal services. He is a senior partner of the Hewage Law Group.

Abstract

Legal Reasoning of Genocide

A threshold to establish Genocide claims are very high. Primarily must prove acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group. In order to establish intent to destroy wide verity of parameters needed to be identified. The intent must establish with; the standard of proof beyond a reasonable doubt is inextricably intertwined with that principle fundamental to all criminal trials, the presumption of innocence; the burden of proof rests on the prosecution throughout the trial and never shifts to the accused; a reasonable doubt is not a doubt based upon sympathy or prejudice; rather, it is based upon reason and common sense; it is logically connected to the evidence or absence of evidence

In considering the question of mens rea, a distinction is to be made between (i) intention as applied to acts considered in relation to their purposes and (ii) intention as applied to acts considered apart from their purposes. A general intent attending the commission of an act is, in some cases, the only intent required to constitute the crime while, in others, there must be, in addition to that general intent, a specific intent attending the purpose for the commission of the act.

This statement makes the distinction clear. The general intent offence is one in which the only intent involved relates solely to the performance of the act in question with no further ulterior intent or purpose. The minimal intent to apply force in the offence of common assault affords an example. A specific intent offence is one which involves the performance of the actus reus, coupled with an intent or purpose going beyond the mere performance of the questioned act. Striking a blow or administering poison with the intent to kill, or assault with intent to maim or wound, are examples of such offences.

This distinction is not an artificial one nor does it rest upon any legal fiction.

While applying fundamental legal principle in determining genocide against act of counter terrorism is highly controversial and does not meet criterions to establish threshold genocide. In the absence of such intent to destroy whole or part of the Tamil ethnic group, genocide claim against Sri Lanka failed. However, there is reasonable evidence to support genocide claim against Rohyngya ethnic group. This matter is now before the International Court of Justice and commenting on this issue is not appropriate.
Masudur Rahman, Emeritus, Nord University, Norway, has a long academic career as a teacher and researcher, at various universities in Norway. Educated as a sociologist and an economist, Rahman has an eclectic range of research interests, embracing economy and society relations, both at micro and macro-levels. Rahman’s research works are diverse and multifaceted. Those include macroscopic studies of the structures of power as well as interpersonal network relations, at a variety of levels. Divers, yet, Rahman’s research works fit broadly under the umbrella of development process, including economic and social organizations and political mobilization, in Bangladesh and South Asian countries. Rahman’s recent studies include the sustainability of the Norwegian welfare model.

Abstract

Genocide or politically manipulated action by elites

Clearly, condition in the Rakhain state is volatile. Myanmar refuses to recognize the Rohingya identity and guarantee their citizenship rights. Understandably, Rohingyas are not willing to go back, it’s fear and lacking trust that holding them back in the camps. This is a major concern, both of Bangladesh Government and of the United nations. For Bangladesh government, decision-making on repatriation became more complicated. However, Bangladesh has chosen the policy of not sending the Rohingyas back to Rakhain against their will. The irony is that Myanmar now blames Bangladesh for failed repatriation bid.

The collateral damage of the hosting more than a million refugees had unintended consequences and extend far wider. The future of the persecuted Rohingyasis uncertain. Their fate now hangs, by a thread- between a uncertain future in the camps and their desire fora life in their homeland. The host community in southern Bangladesh now starts feeling the price of compassion. The people around the camp areas there losing their patience without seeing any sign of repatriation. There were a few untoward incidents, including Rohingya involvement in drug smuggling, the killing of a local leader, allegedly, by a group of Rohingya men, human trafficking etc. Local people, who showed hospitality, are now expressing frustration and their compassion seems to be waning. The government imposed restrictions on Rohingya movements and on internet in the camps. Uncertainty and fear, as experienced in the Rakhain state, now returning to Rohingya camps.

One school claims that ethnic and national identities are constituted by common objective pre-existing characteristics, such as language, race, religion etc. These characteristics are shared and constitute the basis of unity of people, and distinguish from other people with different characteristics. Another view perceives ethnicity and nationality as ideologically socially constructed and, politically manipulated by elites for control over resources and privileges. Thus language, religion, and territorial affinity acquire their importance when they are used as a basis for awareness creation and social mobilization. The Tamils in Sri Lanka an example. A third view claims, as Barth contends, ethnic identity is not pre-given but may be chosen, voluntary and constructed, invented and imagined. Rohingyas in Myanmar is a case in hand. Ethnic identities as political movements created by elites, be they political, military, economic, who through the manipulation of symbols, to muster as much support as possible for their own narrow interests. The Myanmar military elite made efforts to secure its share of power and control over resources, mobilizing people support for the military.
Anwar Shah Arkani, B.Sc.
Rohingya Association, Canada.

Anwar Shah Arkani is a two-time refugee, a lifelong activist and human rights defender for the Rohingya people. His mother is a survivor of the 1942 massacres and his father was killed by the Burmese regime alongside thousands of others during the 1978 Rohingya cleansing operation. Anwar fled from Burma into Bangladesh in 1984 to escape persecution as the situation continued to deteriorate.

In 1998 Anwar resettled in Canada as a government sponsored refugee. Shortly afterwards, he was awarded a scholarship by the United State Information Agency to study at Indiana University where he graduated with a Bachelor of Science in December 2002.

In 2006-2007 Anwar intervened in person by coming to the aid of and freeing thousands of stranded Rohingya at the Thai-Burma border, who had been intercepted and detained by Thai authorities while fleeing from Burma into Thailand and Malaysia using fishing boats through the Bay of Bengal. As a result of this work Anwar was invited by NGOs to talk at the United Nations, Geneva, about the Rohingyas’ plight: first time in March 2009 at the UNHRC, and a second time in April 2009 at the Durban Review Conference [held in UN Geneva].

Abstract

Rohingya crisis is well calculated: Peace and resettlement

Myanmar government instigated the crisis by inventing some criminal cases framing the Rohingyas that stirred the mass killing in the shape of communal riots. Soon the regime tactfully changed the route of instigation and linked it with terrorism. In the name of security and stability of the country, mass murder, rape and arson attack were ordered on all the Rohingyas. Nearly entire race of Rohingya were purged out or killed as a result.

In short, the Rohingya crisis is a well calculated preplan to completely wipe out the Rohingya race plus most of the people of Islamic faith [Muslims] from all over Burma. And the regime was able to successfully carry out the plan by using Aung San Suu Kyi as a shield portraying it as a “mere bump on the road to democratization.” International communities have mostly either ignored or are clueless in finding a solution to the problem. Rescuing the remaining Rohingyas and finding a lasting solution to the problem have become a global challenge. It is my understanding that a concerted effort by the global community, especially the power players, such as UN, ASEAN, EU, US, China and other neighboring countries need to work together to find a lasting solution to this unending crisis.