

This situation is also connected to the question of the compellability of states before international criminal bodies. The ICTY acknowledged in the *Blaskic* case that for the purposes of a criminal investigation, no binding orders can be issued to states that are believed to hold information relevant to an indictment. I know of no system of criminal justice that can operate without the power to compel the production of documents or the appearance of witnesses. In fact, in the dispute that arose between the Office of the Prosecutor and Croatia and its then Minister of Defence during the trial of General Blaskic, Canada intervened and submitted an *amicus curiae* brief to the Tribunal in support of the Prosecutor's position regarding the power to compel, and was joined by three other states who shared that view. While the majority of states did not comment on this issue in *Blaskic*, China alone submitted written argument in support of Croatia's position.

The legal precedent created in that case is crucial to the future operations of the International Criminal Court. Even more crucial is the actual commitment needed from those who will have to consider the issue of the scope of state secrecy versus the requirements of criminal justice. In this regard, as in many others, Canadian criminal justice is exportable; not necessarily in terms of its formulas, the fine points of its rules and procedure, or even some of its fundamental constitutional characteristics such as the right to a trial by jury, but for its deeply rooted vision of responsibility, transparency and equality.

The second generation of peacekeeping initiatives, this time involving the justice system, is still in its infancy. It is no longer a matter simply of negotiating a cease-fire or a resolution to a conflict and then deploying a military and/or civilian mission to implement it. This vision is much more ambitious. The mere act of intervention, even as an arbitrator, reflects a moral commitment of solidarity with "the other." But rationalizing intervention by claiming neutrality is no longer acceptable, if it ever was.

The ascension of the legalist and judicial approach in the international arena is similar to what Canada has experienced over the last 20 years under the Charter. Canada's commitment to a civil and universal vision of peace through justice should continue to be at the leading edge, not of any moralistic discourse, but of committed actions. As Lester B. Pearson said in reference to peacekeeping operations in his Nobel acceptance speech:

*If, on that foundation, we do not build something more permanent and stronger, we will once again have ignored realities, rejected opportunities and betrayed our duty.*