



**CALL FOR PAPERS**  
**Post-Conflict Justice and ‘Local Ownership’**  
**Assessing the Impact of the International Criminal Court**  
**The Peace Palace / Leiden University (The Hague Campus)**  
**The Hague, Netherlands**  
**May 5-6, 2011**

International criminal justice interventions are increasingly seen as necessary components of a broader peace-building process. They are conceived not only as a tool for criminal punishment but also as a means to facilitate the end of hostilities and strengthen domestic legal institutions in post-conflict societies. Moreover, international criminal justice interventions remain largely founded on the assumption that pursuing prosecutions and other forms of accountability has beneficial effects for local constituencies affected by violence and on domestic legal systems more generally.

But are these assumptions well-founded? To date, studies on the short- and long-term impact of international criminal justice interventions remain the exception, while those that have been carried out too often exist in disciplinary isolation. As Eric Stover has argued, “[A] primary weakness of writing on justice in the aftermath of war and political violence is the paucity of empirical evidence to substantiate claims about how well criminal trials achieve the goals ascribed to them” (Stover, 2005). This empirical gap has narrowed in recent years; however many of the common indicators of “successful impact”—deterrence, reconciliation, incapacitation—often reflect the same justifications offered for the creation of international justice mechanisms in the first place, with insufficient attention paid to how the intended beneficiaries of these mechanisms understand and articulate the goals of a criminal justice intervention.

The anticipated closing of the *ad hoc* and hybrid tribunals, combined with the expanding jurisdiction and practice of the International Criminal Court (ICC), offers an important opportunity to step back and critically assess the social and legal impact of the ICC’s

prosecutions and investigations on local populations. More research is needed as to whether and how ‘local ownership’ of the ICC can be operationalized if, indeed, it can. Given that the ICC’s jurisdiction is complementary to that of domestic legal systems, there is an acute need to revisit the modalities and timing of legal reform and international justice in light of the priorities and interests of local constituencies and actors.

This workshop, as part of a larger, four-year study on post-conflict justice and ‘local ownership,’ will critically assess the impact of the ICC’s intervention in its situation-countries to date—Democratic Republic of Congo, Uganda, Central African Republic, Sudan, and Kenya—with particular attention paid to what methodologies might best guide such assessments. To that end, papers are invited under the following four themes:

### **I. Conceptualizing the Local**

- Who are the ‘locals’ in the context of the ICC? How are their interests articulated and how can they be taken into account?
- Can we speak of a unitary ‘local’ or are there multiple locals? How might the distinction between conflict and post-conflict situations shape what local interests are perceived to be?
- To what extent can judicial intervention promote ‘ownership’ as an objective? How might ownership of the ICC’s work be conceived in relation to the state, to domestic political elites, to affected communities, and/or customary legal authorities?
- What is the relationship between ‘individual’ and ‘collective’ interests? How do these distinctions figure in the ICC’s work thus far, and how might they inform the Court’s approach to reparations in the future?

### **II. Social Impact of the ICC**

- What effects are ICC interventions perceived to have had on domestic societies? Does the manner of intervention—self-referral, *proprio motu* investigation, or Security Council referral—affect how the Court is perceived by local actors?
- What expectations have local communities had of ICC intervention efforts? To what extent have these expectations been met and how have they fallen short?
- How has the ICC sought to explain its activities to local communities and what has been the effect of these efforts on understanding the Court’s work?
- How might the ICC draw upon the experiences of other criminal tribunals (*ad hoc* and hybrid tribunals) to effectively engage with local communities?

### **III. Legal Impact of the ICC**

- What measures has the ICC taken to engage with local actors, and/or to promote engagement with national justice institutions?
- To what extent has the Rome Statute been used as basis for national-level prosecution efforts? How have its provisions been interpreted at the local level?

- Has the principle of complementarity, and its interpretation by the ICC, had an effect on investigations and prosecutions at the domestic level?
- What techniques have been used to foster the implementation of international criminal law within domestic criminal codes? Should states be allowed a margin of discretion in adapting international criminal standards to local legal tradition and circumstances?

#### IV. **Methods and Methodology**

- Is it possible to identify impact measurement criteria for international criminal justice interventions? Who should be responsible for developing these criteria?
- What types of “indicators” of impact at the local level should be taken into account? What risks might be posed by the use of such indicators?
- What methods have been used to determine impact and interests? What techniques and research instruments have been used to collect such data?
- What criticisms have been made of existing qualitative and/or quantitative impact studies? How might these critiques animate future empirical research?

Paper proposals should be submitted electronically by **February 1, 2011** to [pcj@cdh.leidenuniv.nl](mailto:pcj@cdh.leidenuniv.nl). Proposals should include the author’s name and full contact information, and an abstract of **no more than 500 words**.

This conference is supported through a grant from the Netherlands Organization for Social Research (NWO). Conference registration is therefore complimentary. The conference is sponsored by the University of Leiden – Campus The Hague and the Grotius Centre for International Legal Studies, which is home to the *Criminal Law Forum*. Papers submitted for the conference may be considered for publication as part of a special symposium issue of the *Forum*, and/or for an ongoing working paper series on the project website.

For additional information, please see the Grotius Centre’s project website:  
<http://www.grotiuscentre.org/page11113515.aspx>