Intersections
The Hague Institute for Global Justice
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Column
Threatened States in the Global Order
Mark Malloch-Brown, Former Deputy Secretary-General of the United Nations

Interview
HRH Prince El Hassan bin Talal
Jordan's Prince on Human Rights and Security in the Middle East

Current Work
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Of particular salience in our calendar was a busy week in June when we had the honor of welcoming the Chair of our Advisory Council, former U.S. Secretary of State Madeleine Albright, back to the Institute, where – in a partnership between The Hague Institute, the Brookings Institution and the City of The Hague - she inaugurated a new lecture series in global justice in her name.

That same week, Secretary Albright joined former Nigerian Foreign Minister Ibrahim Gambari at the Peace Palace to launch the report of the Commission on Global Security, Justice & Governance. Now also launched in New York, Washington, D.C. and Berlin, we hope that the Commission’s report will provide a roadmap for UN reform in this, the 70th anniversary of the world organization.

This issue of Intersections contains details on the Commission’s report, as well as news of other key events, including a conference to mark the 20th anniversary of the genocide in Srebrenica, a series which has brought the former Prime Ministers of the Netherlands to the Institute to reflect on world affairs and a conference on cyber governance.

Providing his own reflections on contemporary challenges in global governance in these pages is former UN Deputy Secretary-General, Mark Malloch-Brown. In March, we were privileged to host not only Lord Malloch-Brown as a Distinguished Speaker, but also Prince El Hassan bin Talal of Jordan, who is the subject of the interview in this edition, and Dorit Beinisch, former President of the Supreme Court of Israel, who also writes a column in this issue.

These updates on our high-level events, and dialogues with global thought-leaders are presented here alongside news on our current research on topics as diverse as rule of law in Ukraine, the role of cities in conflict prevention and responding to sexual violence in conflict. We hope it provides an insight into our work and sufficient encouragement to go beyond our front window by engaging with the Institute in other ways.

Therese J. Galloway
President
The Hague Institute for Global Justice
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Threatened States in a Challenged Global Order
The nation state is under threat as the fundamental unit of international affairs. On one side a globalized world has confronted states with problems like climate change, borderless terrorism and international migration against which the traditional instruments of the sovereign state are inadequate. Together with the prize of greater trade these forces necessitate the upward transfer of power to regional security organizations, like NATO, or to trade organizations like the EU, NAFTA or Mercosur/Pacific Alliance.

But as power is being devolved up to regional blocs, citizenship is being pulled the other way. New types of loyalty and association are challenging the state’s traditional role. Some are geographic; there are at least 40 would-be Scotlands seeking separation of some kind from the countries in which they now find themselves. Other loyalties are based on other kindred identities – not just religious or ethnic, but based on shared commercial, political, or other interests.

In the West there is evidence that the State has thrown in the towel, allowing the emergence of non-state structures of power such as increasingly confident City governments in London and New York, vigorous human rights or environmental movements or pan national business organizations and their equally non-national regulators. By contrast in China and Russia the state has, at least for now, answered back and asserted its power to give their citizens the answers they are looking for. Both states are renewing their appeal for total loyalty.

What does this strange state of the State mean for international affairs? Today’s challenged global order is both a cause and a consequence of the state’s current frailty. We are suddenly living again in a world of disorder where there is no clear, settled, balance of power. Our failure to act whether in Ukraine and Syria or against climate change or poverty is evidence the system is broken.

“Today’s challenged global order is both a cause and a consequence of the state’s current frailty.”

To fix it, we need a new framework of institutions and rules in a world of competing organizational structures and state models. This reform should start at the UN Security Council. Without change it is easy to imagine a world in which increasingly weaker, smaller states must turn to powerful ones rather than the protection of any international order. Naked state and bloc power could replace the international rule of law.
Interview

His Royal Highness Prince El Hassan bin Talal of Jordan

A pluralist, convinced in consensus and respect for others, His Royal Highness Prince El Hassan bin Talal of Jordan believes in societies in which all peoples can live, work and function in freedom and with dignity. This goal has been the moving force behind his interest and involvement in humanitarian and interfaith issues, with particular stress on the significance of cooperative institutions and governments. The Hague Institute had the opportunity to interview His Royal Highness on his views of Middle Eastern security and human rights.

In 2002, UNDP’s landmark ‘Arab Human Development Report’ captured a malaise in the Arab World which resonated with many. Can a line be drawn between the findings of this report and the convulsions of recent years. If so, why wasn’t earlier action taken?

In the information technology revolution, the Arab World only represents 0.04%. My tiny country has the privilege of representing 74% of that. So my answer to you would be that the UNDP Arab Development Report is rightly critical of bureaucratic underachievement and lack of involvement. We’re doing a lot of human development programming for other Arab countries now in our center in Jordan. I hope that this soft security approach with a focus on human dignity will begin to give not only the UNDP, but stakeholders in the region a chance to feel that they are a part of the future they want to create.

You previously discussed chauvinism, women, and education. Not just chauvinism in Muslim communities but other communities. What is the role and status of women? Do you think there is a solution to the status of women, which seems to be trending backwards?

The status of women in the Arab world is pitiful today. I’m not only talking about Islam but Eastern Christianity. I had a conversation in Rome with the Pontifical Council attended as well by Sunni and Shia, on the topic of inheritance by women. Muslims will soon be able to give their inheritance to girls. In canon courts, there is still this male chauvinist emphasis. In terms of human resource development, I wish I could shift the paradigm from Weapons of Mass Destruction and current security to focusing on building a new region.

The last census in Lebanon was in 1932 and the last real census in Jordan is in living memory. You cannot talk about marrying human beings in a region with all these different groups in Palestine, Syria, Lebanon, Shia, Christian or what have you. Look at the ruling minority in Syria. We can’t continue to favor this grouping or that grouping. It’s about time that the international community stepped in and said something and not just stopping the sale of weapons because the region is already in turmoil,
but also to ask for accountability. Accountability on population growth. I started the diverse spacing process in a conference on women which lead to the franchise of women in the early ’70s. I began to doubt myself. Soft security, as Prof. Joseph Nye of Harvard University put it, has to be revisited sooner rather than later.

How do we avoid people being educated for the wrong purpose, particularly in the Middle East?

The question you asked is related to the legacy of conflict. We can’t say that we want to handle this ourselves when there is no international conference, as far as I can see. Is there any hope for us to convene such a consultation before we get to the disaster of killing each other? How many times people have said there is a 3rd World War but it’s morselized around the world. And it’s not just Muslims, you look at Ukraine and see a conflict between Catholic and Orthodox, in Myanmar we see the rise of Buddhist extremism. Everywhere there seems to be a mood for fractiousness and destruction. I want to say ‘yes’ we have to do it ourselves.

Jordan’s ‘Philosopher Prince’

His Royal Highness Prince El Hassan bin Talal was born in Amman to a branch of the Hashemite family directly descended from the Prophet Muhammad.

Prince Hassan has initiated, founded and is actively involved in a number of Jordanian and international institutes and committees. In Jordan, HRH established:
The Arab Thought Forum, in 1981.
The Royal Institute for Inter-Faith Studies, in 1994.

Prince Hassan is fluent in Arabic, English and French, and studied Biblical Hebrew as part of his degree course at Oxford.

Is it too early to start a Middle East Union (coal, steel, gas, oil)? Is the Middle East turning towards Asia and away from Europe?

I’ve been mentioning the Middle East Treaty Organization (METO) forever. I think the time has come to revisit this. If we revisit it thematically, then what could be the organizational themes? Coal and steel for Europe but also water and energy for the human environment in our region? There’s a lot of literature on that on my website if you wish to consult it.

From China and Japan’s perspective, we are not the Middle East but the Middle West if anything. In fact, I refer to us as the Wild West. Geographically, we are part of Asia. I think that the sinuous thread of oil as put by Routledge in his book “War in Mesopotamia: 1920” resonates. He talks about Iraq as always having that sinuous corridor of oil situated between the empires of the West and the Indian Empire. This destabilization of the land of the two rivers has been an extension of the destabilized reality of Asia. I would like to see illumination and wisdom coming from the East to meet the Enlightenment of the West. As far as participation in the labor force, the figures are pitiful.
The time has come now to discuss what I raised in the International Labor Organization (ILO) in 1973. We called for an International Labor Compensatory Facility.

Your country is surrounded by conflicts and flooded by refugees. Are you concerned about the future of Jordan given these circumstances?

The big heart of Jordanians we have seen is transitioning us to a more robust society. I have to emphasize that we have to put our home in order and not only in Jordan but in all of the host countries of refugees. We have to address the issue of the certain degree of color-blindness when dealing with this nationality or that nationality. You might have visited our hospitals, which are overwhelmed! Specialized doctors and fine medicine, but we are brought to our knees when we talk about the quality of service that we can now offer. I hope the new regional elections will give some focus on the importance of regional participation and regional worth, enablement, and empowerment for citizenship. This is why the Arab Thought Forum worked on the Citizenship charter, the Economic charter, and now we’re working with thousands of Arabs across the world.

You’ve spearheaded the production of an Arab Social Charter. In a recent interview you made the point that one day it would be ideal if this charter would guide national constitutions. What prospects do you think there are for those changes in Jordan and in other countries in the region?

We compared the Egyptian, Tunisian, and Jordanian constitutions. Believe it or not, the Egyptian constitution is the most comprehensive in the body of the constitution.

It outlines issues of discrimination and people with disabilities, and you have to take your hat off to them. The Tunisian comes second. Our focus is on new legislation but I am sorry to say that we are not thinking in an interdisciplinary manner yet. Yes it is my hope that Jordan will hold the chairmanship of the Arab League in the next six months. Unfortunately Arab summit meetings are few and far between but you have to recognize the voice of youth. Particularly when they say “proscribe all forms of discrimination” which is the first line in the Social Charter. I think if we can raise our heads above the fray because everyday there’s a new rumor, a new war, a new killing. We need some breathing space.

You spoke on previous occasions of your affinity for the Universal Declaration of Human Rights. To what extent do you think there are universal values? How do we advance those values but do so in a way that brings together the world’s communities?

I think that the coming together of minds to focus on human dignity in terms of promoting the noble art of conversation and the noble art of listening is critical. I will finish off by saying that when I was moderator of the World Conference of Religions and Peace, you would go to different countries from Indonesia, to Sudan, or Iraq and say: ‘You are the servants of the community to the religious leaders. We are at your service! How can we promote the noble art of conversation?’ and they would say: ‘Conversation? What’s that?’ As if the limb that is atrophied is not your leg or your arm but your ability to articulate. So how can we empower and enable people if the political system does not view the importance of a regional discourse? I think it is the most important contribution to regional stabilization.

“I would like to see illumination and wisdom coming from the East to meet the Enlightenment of the West.”
Cognizant of the growing linkages between law and diplomacy, and the extent to which mutual understanding of the two disciplines is essential for addressing contemporary challenges, The Hague Institute – in partnership with the British Embassy in The Hague – recently convened a major conference on “International Legal Diplomacy”.

The conference brought together some of the most senior practitioners and scholars in both the legal and diplomatic fields. Together, the assembled speakers considered practice at the nexus of law and diplomacy, drawing on their collective expertise. In certain instances, for example, the skills associated with diplomacy, as well as an understanding of political imperatives, are essential to the representational functions of courts. Commenting on his own role as a tribunal president, Judge Ted Meron, President of the International Criminal Tribunal for the former Yugoslavia (ICTY) observed, for example, that “no job is so uniquely complex, given its intersection of law, diplomacy and politics’.

On the other hand, a number of current and former ambassadors considered the extent to which modern diplomatic services recruit lawyers and prioritize legal training. Representing the UK Foreign and Commonwealth Office, its legal adviser, Iain McLeod, suggested that foreign ministries ought increasingly to (i) provide good legal advice, drawing on the right expertise; (ii) train diplomats in the law; (iii) ensure coherence across government and (iv) engage with the outside world to explain what the law is and why that is the case.

Practicing International Law in a Political World
Legal diplomacy was construed not only as a matter of skills development, but also a framework for understanding the extent to which courts and diplomats should balance judicial independence and engagement with the ‘political realm’. In counterpart to Mr. McLeod’s advice to ministries, Sir Christopher Greenwood, a judge of the International Court of Justice, argued that litigation could serve the purposes of diplomacy, but levelling the playing field and providing parties with a neutral forum in which to interact.

More information about the speakers at the conference, as well as its conclusions is available on The Hague Institute’s website, where an audio recording of the event can also be accessed. The Hague Institute and the British Embassy welcome collaboration with interested scholars on this emerging field.

Mark Bailey, Special Assistant
Office of the President
The three focus areas of The Hague Institute’s program of work are Conflict Prevention, Rule of Law and Global Governance.
“Much more is needed from the United Nations and, indeed, other global institutions dealing with ... security sector reform and the rule of law to economic and social recovery and the promotion of human rights,” Professor Gambari noted in his remarks. UN and global governance institutions, he clarified, are currently ill suited to addressing many of today’s evolving threats and risk prolonging and deepening global crises if they do not take action on needed reforms.

As Secretary Albright explained, the world requires “more capable tools of global governance, with different kinds of public, private, and mixed institutions designed for twenty-first-century challenges.”
To effectively address these challenges, reforms need to transcend national borders and reach out to diverse stakeholders, including business groups, mayors, civil society, local communities, and cities, a point emphasized at the launch by Commission member Jozias van Aartsen, mayor of The Hague and former Dutch foreign minister.

After more than a year of preparation and twenty international consultations, then, the Commission offers its far-reaching and targeted recommendations to reform the UN and other global governance institutions to better meet the new challenges posed by conflict-affected states, climate change, and a hyperconnected global economy. The report, titled Confronting the Crisis of Global Governance, reflects the global perspective of the fourteen Commission members, who have served in leading government and nongovernmental positions in Brazil, Canada, China, Colombia, Germany, India, Indonesia, Japan, Lebanon, Netherlands, Nigeria, Tanzania, the United States, and at the United Nations. The report and recommendations serve as a roadmap in the run-up to the UN’s seventy-fifth anniversary commemoration in 2020.

The Commission offers eight central recommendations:

- **Build the next generation of peace operations capacity**
  Develop a responsive and experienced UN and regional capacity for crisis and conflict mediation and peacebuilding; more robust capacity to deploy civilian, police, and military personnel rapidly to meet urgent peacekeeping requirements; and greater participation of women at all levels, particularly in leadership positions, in peacekeeping and peacebuilding.

- **Operationalize the Responsibility to Prevent, Protect, and Rebuild**
  Invest in early-warning capabilities and action plans for atrocities prevention that involve all UN entities; embed UN mission monitors in all forces participating in R2P implementation.

- **Get climate governance moving**
  Facilitate new kinds of engagement between the UN Framework Convention on Climate Change and other international regimes, subnational authorities, civil society, and business groups; establish an International Carbon Monitoring Entity and a Global Climate Action Clearinghouse.
• Create a G20+ for economic stability and sustainable development
  Prevent the spread of cross-border financial shocks, promote inclusive economic reform, and foster the equitable growth necessary for achieving the seventeen Sustainable Development Goals of the Post-2015 Development Agenda with enhanced G20-UN-Bretton Woods institutional coordination and member accountability.

• Build an inclusive UN Global Partnership
  Create a new hub and an online platform to further tap the expertise of civil society and the business community in the work of the United Nations, and to serve as a repository for various kinds of new social compacts, innovative and flexible instruments for advancing global security and justice by increasing trust and opportunities for sustained collective action.

• Transform the UN Peacebuilding Commission into a Peacebuilding Council
  Upgrade the Peacebuilding Commission into a council with new coordination authorities, new financial and knowledge resources, and a new focus on prevention that includes “peacebuilding audits.”

• Make full use of the International Court of Justice
  Better safeguard human rights and respect for the rule of law, expand acceptance of the World Court’s jurisdiction and use its authoritative advisory opinions more actively in innovative ways.

• Create a UN Parliamentary Network
  Establish a parliamentary advisory body for the UN General Assembly to raise greater awareness among and participation of legislators by strengthening their voices in global institutions.

President’s Office
Second Annual Justice Breyer Lecture on International Law

The Justice Breyer Lecture on International Law is an initiative of The Brookings Institution and The Hague Institute for Global Justice, with the support of the Embassy of Netherlands in the United States. For the second year, Hague Institute President Dr. Abi Williams led the discussion which this year centered on the elimination of Syria’s chemical arsenal over the past two years and the attendant consequences for peace, security and accountability. Director General Üzümcü was joined in the moderated panel by former US Ambassador to Syria Robert S. Ford and Deputy Assistant Secretary of State Mallory Stewart.

OPCW Director General Üzümcü announced that 98 percent of Syria’s chemical weapons have been destroyed in the OPCW-UN Joint Mission. He reiterated his view that the Chemical Weapons Convention has been “the most effective treaty in the history of multilateral disarmament”. With due regard to the threat posed by terrorism and the legal and political obstacles which the OPCW faced in the Syria intervention, the Director-General drew attention to the lessons learned from this experience.

Dr. Williams and Director-General Üzümcü continued the discussions on Thursday evening during a plenary panel held a the Annual Meeting of the American Society for International Law (ASIL). The session was part of an ongoing collaboration between The Hague Institute for Global Justice, ASIL, the Embassy of the Netherlands and the City of The Hague. The aim of the partnership is to highlight the role of The Hague-based institutions on the world stage. Questions posed by participants ranged from the international legal and political dimensions of OPCW’s efforts to rid Syria of chemical weapons to how the awarding of the 2013 Nobel Peace Prize to the OPCW has advanced the work of this international convention implementing organization.

To download the full report, please visit http://www.globalsecurityjusticegovernance.org/
Historically, cities have served as centers of power, shaped politics, and led social and political transformations in fundamental ways. Examples range from city-states like Rome and Athens to national capitals like Paris, Moscow, and Delhi. Demographic trends and economic data of the last century show that cities have also become the primary engines of economic development and social interaction worldwide. According to the New Global Economy Report, five hundred cities in three key groups – emerging cities, global megacities, and mature cities – will account for more than 60 percent of global income growth between now and 2030.
Despite being an important positive force for development, rapid urbanization can also exacerbate poverty, inequality, social exclusion, and weak governance in developing and developed states. Demographic growth, migration, and people’s displacement pose new challenges for civic institutions that must cope with an increasing demand for basic services such as jobs, housing, and health care among others. According to recent UNODC data, nearly 60,000 people die in war zones every year, but an estimated 480,000 are killed – mostly by guns – in cities. These trends suggest that urban settings, and cities in particular, will be the main context of future violent conflict, as recent episodes of violence ranging from London, Istanbul, and Stockholm to fragile cities like Mosul and Aleppo suggest.

Research and practice indicate that city-municipalities can play a pivotal role in managing and resolving conflict, and may be even better situated than national governments to address transnational challenges such as illegal migration or terrorism. Often regarded as microcosms of broader societal tensions affecting a nation, cities can be used to test innovative governance and peacebuilding practices. Towards more effective local governance, municipal institutions are also ideally situated to identify potential sources of conflict and to understand its dynamics as they are closest to citizens and their needs.

The urgency in the need to design new frameworks and inform policy on how to adapt to these emerging trends has led the Conflict Prevention Program of The Hague Institute to establish a research project to examine how city municipalities can prevent and mitigate violent conflict and other forms of crises in the Global North and South. The project will test the core assumption that devolved or decentralized power is more effective in preventing the outbreak and escalation of violent conflict. While exploring different manifestations of urban violence, the research aims to design frameworks to identify the drivers and root causes of conflict. In fact, issues like radicalization, social unrest, and criminal violence are often the product of social and economic inequalities, lack of integration, or marginalization. To capture the complexity of violence in its different forms and its drivers, the project will select city-case studies both in the north and south of the globe, each of which face diverse security threats and stages of conflict.

In line with the think and do tank approach of The Hague Institute, the project will build on existing research to inform policy and practice and produce actionable measures for municipal and local leaders. As part of the do dimension, the Institute is implementing a pilot project in The Hague metropolitan area where key stakeholders, representing local institutions, the police, civil society, academia, and the private sector, among others, coordinate with our team to ensure that the project creates local ownership and reflects the real challenges and priorities for conflict prevention in the area. This interactive process, which is based on consultations, ad hoc meetings, and knowledge-sharing activities, aims to build networks in the city and design a set of actionable measures to be presented to local leaders and representatives in the metropolitan area.

The project also acknowledges the importance of linking the local to the international dimension and understanding new trends in governance. The Institute is fully engaged in the international debate on urban governance and works in close cooperation with leading international organizations and agencies, such as UN HABITAT, toward the design of the new urban agenda.

Bridging the gaps between local, national, and international institutions, the study will develop, test, and disseminate policy frameworks and guidelines that will enable cities to address more effectively the root causes of violent conflict, and allow municipal, national, and international actors to better understand how to respond to conflict.

Agnese Macaluso, Researcher
Conflict Prevention Program
In April 2015, the Institute announced a unique edition to its Distinguished Speaker Series. Four former Dutch Prime Ministers, serving from 1978 to 2010, analyzed the landscape of global justice and offered viewpoints on reform of the United Nations, the undervalued role of international legal institutions and the future of multilateralism.

Dries van Agt (1978–1982) inaugurated the lecture series on 19 May and offered a sweeping analysis of current global challenges, ranging from over-population to the trade in arms. Reminding his audience that accountability for treaty violations remains problematic, the former Prime Minister proposed removing the permanent-non-permanent member states division in the UN Security Council along with the right to veto. “There should be no obstacles put in the way of parties seeking justice. For instance, whenever states are in dispute of territorial boundaries, no decision of the Security Council to submit the matter to the International Court of Justice should be thwarted by any veto.”

Mr. Van Agt’s lecture served as a stark reminder of goals and obstacles placed on the international community and its governing institutions.

Prime Minister Ruud Lubbers (1982–1994) visited the Institute on 4 June for the second installment of Premier Perspectives series. Mr. Lubbers topic, “Global Justice in 2015,” addressed the European Energy Charter, the threat of climate change and the implications of technological developments of our time. “We must deal with our common future.”

“Sustainability has to be integrated in the business model,” said former Dutch Prime Minister Jan Peter Balkenende (2002–2010) during the third installment. Professor Balkenende’s 17 June lecture, titled “Global Justice and Corporate Responsibility: Entrepreneurial Spirit and Sustainable Innovation,” drew on experiences from his time in government as well as his recent experiences from the business sector. He emphasized that change starts with personal conviction about the need for sustainability, and that businesses, governments, consumers, media and civil society actors all have a role to play in this endeavor.

The Premier Perspectives series will conclude on 14 October with former Prime Minister Wim Kok (1994–2002). Read more or listen to audio from past lectures at TheHagueInstitute.org/premier

“With this extraordinary series of lectures, The Hague Institute for Global Justice is offering the public an opportunity to see the changing world through the eyes of my predecessors. Their knowledge and experience guarantee many unique insights into the past, present and future. It is therefore my pleasure to warmly recommend this series.”

Mark Rutte
Prime Minister of the Netherlands
During her visit to The Hague in June, Secretary Madeleine K. Albright, the Chair of The Hague Institute’s Advisory Council, inaugurated a new lecture series in her name, The Madeleine K. Albright Lecture in Global Justice and italicize the lecture name.

Welcoming the former U.S. Secretary of State and U.S. Ambassador to the United Nations to The Hague Institute, its President, Dr. Abi Williams, noted the salience of global justice as a topic for critical reflection. Its importance, he remarked, was underlined by the attention Secretary Albright - one the pre-eminent statepersons of her generation - has given to the subject. This was a view echoed by Mayor Jozias van Aartsen, the founding father of The Hague Institute, who introduced the Secretary. Secretary Albright focused her remarks on the critical role that the rule of law plays as “the cornerstone of civilization” and “the framework for political organization, commercial activity and social relations”. Arguing forcefully for “the rule of law, not the rule by law”, the Secretary gave a sweeping assessment of contemporary global challenges, ranging from the Middle East to U.S.-Russian relations, drawing on some of the lessons from her own tenure at the State Department from 1997-2001. Alluding to the launch of the Commission of Global Security, Justice & Governance, which Secretary Albright had overseen the previous day, she stressed that the challenges of today do not fit into neat categories but instead “stand at the noisy intersection of security and justice”.

A moderated discussion followed Secretary Albright’s remarks, and was facilitated by Ted Piccone, a Senior Fellow at the Washington D.C.-based Brookings Institution, a co-sponsor of the event. The Madeleine K. Albright Lecture is one part of an ongoing collaboration between Brookings and The Hague Institute, the other element of which is the Stephen Breyer Lecture in International Law, held each April in Washington and inaugurated by Justice Breyer, an Associate Justice of the U.S. Supreme Court, last year.

The Madeleine K. Albright Lecture in Global Justice took place on 17 June 2015 and is the first installment of an annual event hosted by The Hague Institute for Global Justice, The Brookings Institution and the City of The Hague. The organizers are grateful to The City of The Hague, and to its Mayor, Jozias van Aartsen, for making the lecture possible through a generous financial contribution.
Many countries have definite, albeit competing, visions of how cyberspace should be governed. Others have yet to articulate their positions clearly despite having the political power and resources to influence the global debate decisively.

The Hague Institute’s Global Governance Program supported the GCCS in a number of ways, building on the work carried out since 2013 as part of the Global Governance Reform Initiative (GGRI) – a collaboration between The Hague Institute, the Ministry of Foreign...
The idea that cyberspace is not a lawless domain – a Wild West – given existing normative frameworks such as the Universal Declaration of Human Rights came to the fore of the discussion.

Affairs of the Netherlands, and the Observer Research Foundation in New Delhi. The GGRI aims to analyze the deficiencies of the current international system and propose policies for improving global governance in select domains, including cyberspace.

One day before the official start of the GCCS, The Hague Institute hosted an official side-event on behalf of the Dutch government and in partnership with the Observer Research Foundation. It included both an expert roundtable discussion and a public panel discussion.

The roundtable, titled "Reconciling Policy Priorities of the Global North and South: Implications for Norms of Responsible State Behavior in Cyberspace," brought together twenty-six experts from across the world to discuss the national and regional policy priorities – which are dictated in part by security and development imperatives – at the heart of disagreements between the Global North and South on how cyberspace should be governed.

Discussion at the roundtable addressed the nature of norms and what they seek to achieve as well as lines of tension and consensus between the Global North and South with regard to norms of state behavior concerning cyber security, Internet access, and the freedom of expression online. Experts favored the idea of cyber stability as opposed to cybersecurity and acknowledged that, in the absence of state action, the private sector is already driving norm-creation. The idea that cyberspace is not a lawless domain – a Wild West – given existing normative frameworks such as the Universal Declaration of Human Rights came to the fore of the discussion.

The subsequent public panel discussion, titled “International Cyber Norms and Global ‘Swing States’,” was opened by Dr. Uri Rosenthal, former minister of foreign affairs of the Netherlands and Special Envoy of the Netherlands for the GCCS. The panel included leading experts such as Ambassador Latha Reddy (former deputy national security adviser of India and member of the Global Commission on Internet Governance), Dr. Alison Gillwald (executive director, Research ICT Africa), Marília Maciel (researcher/coordinator of the Center for Technology and Society, Getúlio Vargas Foundation), and Robert Morgus (program associate, Open Technology Institute, New America). The panel was moderated by Samir Saran of the Observer Research Foundation.

The panelists reflected on what it means to be a swing state in cyber governance and how countries such as India, South Africa, and Brazil shape the global debate on state behavior in cyberspace. The panel emphasized that not all swing states have equal impact and that the ability of these states to influence global or regional debates is prone to change over time. For instance, whereas South Africa once exerted considerable regional influence, states with a vast and growing network of users, such as India, are now in the lead.

During the GCCS, researchers from The Hague Institute provided input to the GCCS Chair’s Statement, relayed key findings of the side-event during a panel titled “Norms for International Peace and Security in Cyberspace,” and took part in the subsequent “unconference” GCCS-Unplugged.

Dr. Joris Larik, Senior Researcher
Global Governance Program
“The efforts to fight conflict-related sexual violence carried out so far is the start – not the end – of a process to prevent sexual violence and improve women’s security. Much more must yet be done to promote actions that have real impact, as we move from recognition to action and from best intentions to best practice. The journey has only begun.”

Margot Wallström
Foreign Minister of Sweden and Former Special Representative of the Secretary-General on Sexual Violence in Conflict.
Improving the Effectiveness of Responses to Conflict-related Sexual Violence

2015 is a significant year for global efforts to address conflict-related sexual violence. This October, a high-level review of the Security Council’s landmark resolution on Women, Peace & Security (Resolution 1325) will be conducted. Additionally, the International Criminal Tribunal for the Former Yugoslavia will soon launch its Legacy Project on Prosecuting Sexual Violence, setting out lessons learned from more than twenty years of international prosecutions.

Over the past two decades, there has been a global, normative shift concerning conflict-related sexual violence. Such violence is no longer seen as inevitable or incidental, but rather as a threat to international peace and security. This shift has been brought about, in part, by the political and legal frameworks provided by 1325 and the resolutions and initiatives it triggered, as well as the statutes and case law of international criminal courts and tribunals. The issue continues to sit high on the international agenda – it was addressed by the G8 in 2013 and the Global Summit to End Sexual Violence in Conflict in 2014, and is the subject of a comprehensive, dedicated policy recently unveiled by the Office of the Prosecutor of the International Criminal Court (ICC).

Despite these unquestionably valuable gains, sexual violence in conflict persists. The Hague Institute therefore seeks to improve the effectiveness of national and international responses to conflict-related sexual violence by proposing how current research can better inform policymaking. The Institute also facilitates knowledge-sharing within and between international justice mechanisms and supports the transfer of knowledge and skills between international and national professionals.

In June 2014, the Transitional Justice Fellowship featured a module dedicated to fact-finding and accountability for conflict-related sexual violence. The Hague Institute and the Institute for Justice and Reconciliation in South Africa organized this program for mid-career professionals from twelve sub-Saharan African countries, many of whom continue to work on countering conflict-related sexual violence in their home countries. In March 2015, an expert roundtable was held to identify concrete measures to strengthen national capacity to address international sexual and gender-based crimes. This closed-door event was followed by a well-attended public panel discussion on current and future strategies for tackling such crimes. The Hague Institute organized these events in its capacity as a founding member of the International Criminal Justice Consortium, in partnership with Sweden and Botswana – the co-focal points for complementarity of the Assembly of States Parties to the ICC. In June 2015, during a plenary panel at the annual meeting of the Academic Council on the United Nations System, researcher Sash Jayawardane discussed how to harness the international peace and justice agendas for a more effective response to sexual violence in armed conflict.

The Hague Institute’s future work on conflict-related sexual violence builds on these efforts. Researchers Sash Jayawardane and Jill Coster van Voorhout will focus on strategies for preventing conflict-related sexual violence at the intersection of peace, security, and justice, and facilitate peer-to-peer expert exchanges on issues such as fact-finding, law-making, and adjudication related to sexual violence in armed conflict.

Jill Coster van Voorhout, Researcher
Rule of Law Program

Sash Jayawardane, Researcher
Global Governance Program
Rule of Law

Assistance in Ukraine: A Matter of Coordination, Accountability, and Trust

The events in Maidan in 2014 made it clear that the Ukrainian population was demanding radical change. The people were not satisfied with the dire economic situation and a corrupt elite that had yet again disappointed them with a last-minute refusal to sign the association agreement foreseeing a Deep and Comprehensive Free Trade Area (DCFTA) with the EU.

The EU and other international actors reacted with strong signs of support that continue today. In addition to the geopolitical support, by way of pressuring Russia through sanctions and political isolation, Ukraine became one of the biggest beneficiaries of international assistance in the region. However, several challenges lie ahead, particularly in rule of law assistance, which normally addresses reforms of the judiciary, the criminal justice sector, and access to justice. The risk, though, is that the EU and other international donors as well as the Ukrainian leadership will repeat mistakes from the past. To avoid this danger, several crucial issues must be addressed.

First, the Ukrainian justice system desperately needs comprehensive and radical reforms. Previous reform efforts never truly materialized or were seriously criticised. In addition, the critical situation in the Donbass region risks overshadowing all other serious threats to
Ukrainian stability. Although it is inevitable that national security and the military actions linked to it will have priority, other areas – including rule of law reform – should not be left aside. On the one hand, political instability and lack of political make it very difficult to ensure that reforms are implemented. On the other hand, the environment is conducive for rule of law assistance due to strong international attention and the promising benefits of economic integration with the EU through the DCFTA. Although EU membership is not the desired goal at the moment, economic integration is nonetheless a step that could lead in that direction and possibly pull Ukraine out of this crisis.

Carrying out radical comprehensive reforms is complex. Political consensus for reform will be necessary, albeit difficult to achieve, given Ukraine’s current security situation. Coordinated and strong local ownership is needed for the reforms to become sustainable. Consequently, financial resources are critical. Given systemic corruption at various levels, however, transparency and accountability are intrinsic to properly allocating donor resources. This exercise is so massive that single donor action is ill advised. Coordinating efforts and creating synergies between donor organizations, the Ukrainian government, and individual donors will be essential to ensuring coherence and sustainable impact in the short, medium, and long term.

Three basic issues require special attention if any rule of law reform efforts are to succeed in Ukraine. (These areas are currently being explored within the research project Rule of Law Promoters at The Hague Institute.) First, donor coordination efforts should be aligned with the government and provide for some level of local ownership to avoid overlapping efforts or wasted resources. Second, fighting corruption at all levels – through lustration, better remuneration of officials, and improved appointment and dismissal procedures, among other methods – should be a priority.

Third, regaining the trust of the population by engaging in these activities in a transparent and inclusive way would strengthen legitimacy. This can be achieved by including civil society and conducting satisfaction surveys and awareness campaigns throughout the general population. Finally, traditional activities such as capacity building, coaching, and monitoring are equally essential to supporting reform efforts and generating a culture shift regarding rule of law in the country.

The Justice Sector Reform Strategy for 2015 through 2020, recently adopted by the Ukrainian government in close collaboration with major donor organizations and civil society engagement, shows that the donor community, under the EU’s leadership, and the Ukrainian authorities are taking the right steps forward. It remains to be seen how this strategy will be implemented.

Dr. Aaron Matta, Senior Researcher
Rule of Law Program
Convening Power

Lessons from Srebrenica: 20 Years Later

An extraordinary group of UN officials, military leaders, politicians and survivors recounted their memories of the Srebrenica massacre in a public panel at The Hague Institute on 1 July. The panel was the culmination of a three day conference hosted in partnership with the Holocaust Memorial Museum in Washington, D.C. and the National Security Archives at George Washington University, which sought to better understand the chain of events leading up to the genocide, as both an academic service to history and to guide future policymaking.

Moderated by David Rohde, the Pulitzer Prize-winning author of *Endgame: The Betrayal and Fall of Srebrenica*, the panelists briefly spoke about the lessons and insights they had gained from the conference, before opening the floor for questions.

“You cannot blame soldiers for not keeping the peace if political leaders are not also prepared to work for a durable solution to the conflict” was the verdict of Yasushi Akashi, the former Special Representative of the Secretary General in the former Yugoslavia. This was a sentiment echoed by former High Representative Carl Bildt, who insisted a political process must always accompany a military peacekeeping operation. He urged the international community to be honest about what it can achieve, saying “don’t write Security Council resolutions so you can have a nice press conference – write them to empower the people on the ground to do something.”

Meanwhile General Rupert Smith, former UNPROFOR Commander in Sarajevo, had some words of caution for future peacekeeping operations. He warned that the international community should not “stand in other people’s wars unless it is prepared to fight one or more of the parties.” He also stressed the problems of having two operations over and in the same place but answering...
to different political directions, and concluded with the sobering observation that no amount of international military force could have prevented the fall of Srebrenica.

Other participants chose to stress the importance of analyzing events in Srebrenica to try and prevent future atrocities. “To say we did not know and did not expect Srebrenica to happen is unfair to the victims and survivors” argued Muhamed Durakovic, a survivor of the genocide. He went on to say, “If mistakes were made it is important to recognize them. And don’t apologize to me or the government but apologize to the thousands of children who grew up without uncles, brothers or fathers – they are constantly suffering, even today.”

The problem with Srebrenica was “everyone made good decisions with wrong outcomes” argued Zlatko Lugumdzija, former deputy Prime Minister of Bosnia and Herzegovina. “Cases like this represent numerous examples of collective failure – and an underestimation of the power of evil” added Joris Voorhoeve, Dutch Defense Minister at the time.

The lengthy question and answer session that followed allowed the audience to engage with the panelists and their comments. In response to a question about the EU’s apparent unwillingness to engage in Bosnia, Carl Bildt cautioned that a consequence of Srebrenica should not be that EU members are afraid to try and make a peace in fragile environments, like Mali today. He stressed that “there is a tendency post Srebrenica to back away from engagement because it dangerous for soldiers and politically difficult. But for all the soul searching of failures, it is better to try and fail than not try at all.”

Looking to the Dutch experience, Joris Voorhoeve admitted that they did not do enough to prevent evil from winning in Srebrenica– but the presence of UN troops did help reduce the terrible disaster somewhat. He argued that the real problem though was the design of the operation and that NATO, rather than UN troops, should have been protecting the safe area with force. He also took personal responsibility for not doing more to prevent the atrocity, saying “I blame myself for not making the case in person to the UN for overwhelming NATO airpower in early July. I did it by phone, but I should have flown to Zagreb to make the case personally, that close air support needed to happen even if it risked the lives of the Dutch troops held hostage.”

“You cannot blame soldiers for not keeping the peace if political leaders are not also prepared to work for a durable solution.”

Finally, Smith and Akashi provided some insight into the controversial dual key system for approving air strikes. Smith said he welcomed being given one of the keys, saying that it increased his bargaining power and enabled him to use carefully applied force to persuade the Bosnian Serbs to negotiate for peace. Akashi added that it was the threat, and not the use of, air power that was crucial for him when negotiating with the Bosnian Serb leaders. Voorhoeve concluded with the observation that “it is clear that when General Smith turned the key things started to work. The application of strong military power led to Dayton – I just wish we’d had it eight weeks earlier in Srebrenica. But we owe the end of the war to a combination of British military cunning and American and NATO power.”
Dialogues, Meetings and Events

Snapshots

From 7-8 July 2015, the Institute, together with its partner organizations, completed the first consultative workshop in Rwanda as part of the Employment for Stability project.

On 6 July, The Hague Institute welcomed the President of Freedom House, Mark P. Lagon, for a lecture on “Assessing Civil and Political Liberties Globally”, including a presentation of the main findings of the Freedom in the World 2015 report.

On 3 June, the Institute welcomed the Dutch Minister of Defense, Jeanine Hennis-Plasschaert, for a lecture on “Global Justice in a Multipolar World.” The minister’s talk centered on the fundamental question she posed: “What kind of response to the new security context is needed in the interest of global justice?”

In an event organized by Fanack Chronicle for the Middle East and North-Africa on 26 May, United Nations Special Coordinator for Lebanon, Sigrid Kaag discussed the role of the UN in the Middle East.

Former Prime Minister Dries Van Agt offered viewpoints on reform of the UN and the undervalued role of international legal institutions during the inaugural Premier Perspectives lecture on 19 May.

Bishop Borys Gudziak, President of the Ukrainian Catholic University, discussed the nature of hybrid warfare in Ukraine. His remarks on 9 March called on the international community to speed up the process of reconciliation.
Israel has faced security concerns since its foundation. However, since 2000, a new phenomenon of terrorism has emerged, centred most notoriously on suicide bombings. The State of Israel responds to such threats in various ways; all are subject to judicial review. It is the Israeli Supreme Court which has jurisdiction to review decisions of the administrative authorities, including military decisions. On matters of national security, it is the court of first and last instance. As such, it plays an important role in the fight against terror.

In confronting the threat, and reviewing Israel’s response, the Court has had to consider how terrorism can be dealt with in a manner that retains the character of the country’s democracy. The Court has faced this dilemma perhaps more than most, and for many years it has adjudicated cases while balancing security with the protection of human rights. This is hardly an easy task. In times of war or emergency, the Government is under pressure to ensure public safety.

It is nevertheless imperative that the law be applied in wartime as well as peacetime. As judges, we are not experts in military operations but rather in assessing whether the means employed to combat terrorism are legal, proportional, and reasonable. We specialise in determining whether a law, governmental policy or military action is consistent with our Basic Laws and fundamental values.

The Court has considered numerous legal issues raised in the context of counter-terrorism operations. It has decided and declared the right to counsel as well as the illegality of torture, secret detention facilities and the relocation of terrorists. The legality of our Security Fence was the subject of about 150 petitions. Overall, the fence was recognised as a legitimate means of self-defence, but with the important condition that commanders weigh military necessity against the need to protect human rights, and therefore take less property from protected inhabitants.

Our Court is guided by five key principles. First, there must be broad access to the Court for everyone. Second, the court does not require standing to be shown and we do not accept the argument of non-justiciability. Third, judicial review may occur in real time. Fourth, international law is both a substantive element and a guide. Finally, the Court is the highest in the land.

Sometimes the Court hears humanitarian petitions during military operations, as during a military operation in Gaza in 2008. A Gazan resident petitioned the Court personally, alleging that the Israeli Defense Forces (IDF) were restricting access to medical services. The military acknowledged its duty to provide medical services, but noted that ambulances were being used to hide terrorists. We held a hearing, even summoning a general for a real-time review during the fighting; ultimately, the military Commander declared that the IDF would respect the humanitarian demands of the petitioners, a declaration approved by the Court. This is just one example of the lengths to which the Court goes to preserve the rule of law and balance military needs against human rights, even in the face of serious threats.

Dorit Beinisch

President (Chief Justice) of the Supreme Court of Israel (Ret.)
Upcoming Events

September
Distinguished Speaker Series: Kevin Rudd
On 14 September, The Hague Institute will welcome former Australian Prime Minister Kevin Rudd to give a lecture as a part of the Distinguished Speaker Series. Mr. Kevin Rudd served as Australia’s 26th Prime Minister between 2007-2010.

Practitioner Workshop: Addressing Conflicts between Historical Responsibility and Future-Oriented Climate Action
What lessons can be learned from efforts in other policy regimes to facilitate past-oriented justice and historical responsibility, and future-oriented solidarity and collective action? This 21 September workshop will look beyond the Paris 2015 agreement.

The Right to Food: International Justice and the Role of Cities
In partnership with the City of The Hague, the Institute will co-organize an event on the right to food at the Leonardo da Vinci Museum in Milan. This 24 September event is part of the World Expo.

October
Premier Perspectives: Wim Kok
The Hague Institute will continue its successful Premier Perspectives lecture series, a unique edition of the Distinguished Speaker Series, on 15 October. Former Dutch Prime Minister Wim Kok will join us for an enlightening discussion on issues affecting global justice.

Recent Publications

The independent Commission on Global Security, Justice & Governance published a report which aims to reform the UN and other global governance institutions to better address new global challenges posed by conflict affected states, climate change, and the hyperconnected global economy.

International Labor Rights Case Law | June 2015
A triannual publication of the Social Justice Expertise Center. ILaRC focuses primarily on jurisprudential developments relating to fundamental rights at the workplace. The Journal reproduces the relevant texts of key international cases, drawing upon the decision of regional and international mechanisms.

This working paper studied three dialogues about water resources management and development issues in three parts of the world to better address the impact of multi-stakeholder dialogues on water diplomacy.

This policy brief reflects on key lessons learned and the way forward in three deltas: the Rhine-Meuse in the Netherlands, the Mekong in Vietnam, and the Sacramento–San Joaquin River in the United States. The recommendations focus on dealing with the uncertainties of the impacts of climate change, on closing the innovation gap between science, policy and society, and on facilitating effective stakeholder participation, learning and integration.

For a complete list of events and publications, please visit: TheHagueInstitute.org
About

The Hague Institute

The Hague Institute for Global Justice is an independent, nonpartisan organization established to conduct interdisciplinary policy-relevant research, develop practitioner tools, and convene experts, practitioners and policymakers to facilitate knowledge sharing. Through this work the Institute aims to contribute to, and further strengthen, the global framework for preventing and resolving conflict and promoting international peace.

Advisory Council

Comprised of authorities from the world of international relations, the Advisory Council of The Hague Institute for Global Justice acts as a strategic sound board for the President of the Institute.

Dr. Madeleine K. Albright (Chair)
Chair of Albright Stonebridge Group and former Secretary of State of the United States of America

Mayor Jozias van Aartsen
Mayor of the Municipality of The Hague and former Minister of Foreign Affairs of The Netherlands

Professor Igor S. Ivanov
Professor at Moscow State Institute for International Relations and former Minister of Foreign Affairs of Russia

Dr. Marwan Muasher
Vice President for studies at the Carnegie Endowment for International Peace and former Minister of Foreign Affairs and former Deputy Prime Minister of Jordan.

Dr. Shashi Tharoor
Former Minister of State for Human Resource Development for India, Member of Parliament, and former Under-Secretary-General for Communications and Public Information at the United Nations.

H.E. Judge Abdulqawi A. Yusuf
Judge at the International Court of Justice