Autumn/Winter 2016

Column
A New Era of Accountability
Theodor Meron
President, MICT

Timeline
The Institute’s Anniversary
Highlights from the past five years

Current Work
Lessons from Macedonia
Integration in Multi-ethnic Societies
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Dr. Abi Williams

Five Years On

I am delighted to introduce the Fall 2016 edition of *Intersections*, which commemorates the fifth anniversary of The Hague Institute. Established in 2011, the Institute has evolved rapidly into a dynamic think-and-do-tank that is making a tangible difference in the pursuit of global peace, security and justice. This edition of our bi-annual magazine features a timeline of key events and achievements, and showcases a selection of our current work.

The Institute has established itself as an organization that produces cutting-edge, interdisciplinary research that anticipates and responds to the needs of policymakers and practitioners here in the Netherlands and beyond. This issue highlights, amongst others, our research projects on developing local climate action plans for coastal communities in Zanzibar; assessing the impact of the International Criminal Court in Kenya; and understanding how education can help to protect minority rights and promote social integration in Macedonia.

Our training and capacity-building activities seek to ensure that practitioners and experts refine their skills and stay abreast of the latest developments in their field. Featured in these pages is our three-year project on forensics in Lebanon, which seeks to ensure credible forensic investigations in fair legal proceedings in Lebanon by facilitating expert exchanges between international experts and senior judges and prosecutors from Lebanon. This publication also details our efforts to facilitate expert exchanges on fact-finding and accountability between professionals from courts and tribunals in The Hague, and with human rights investigators from commissions of inquiry in Geneva.

It is gratifying to note the considerable progress that has been made in strengthening the Institute’s convening power. A crucial aspect of our work involves convening thinkers and doers to ensure that the best ideas have a hearing and find their way into policy and practice. In June, the Institute and the BMW Foundation hosted the sixth BMW Foundation Global Table, which brought together 26 experts from 17 countries to discuss new approaches to conflict prevention and peacebuilding.

The Institute continues its partnership with The Brookings Institution and the Municipality of The Hague on two annual lecture series that explore pressing questions of international law and global justice – the Justice Stephen Breyer Lecture on International Law, which is hosted annually in Washington D.C.; and the Madeleine K. Albright Lecture on Global Justice, which is hosted annually in The Hague.

Our many partners in The Hague and around the world enhance the quality and impact of our work. It is an honor to feature contributions from two valued partners of the Institute – Judge Theodor Meron, President of the United Nations Mechanism for International Criminal Tribunals, and Mr. Han Polman, King’s Commissioner of Zeeland and President of the Roosevelt Foundation.

It is a great privilege to lead an institution as vibrant and enterprising as The Hague Institute, and I am grateful to our indefatigable team for their extraordinary efforts during the past five years. I hope that you, our partners and stakeholders, will continue to support the Institute and engage with our work as we embark on the next phase of our exciting journey.

Dr. Abi Williams
President
# Table of Contents

<table>
<thead>
<tr>
<th>Page</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>A New Era of Accountability</td>
<td>Theodor Meron, President of the UN Mechanism for International Criminal Tribunals</td>
</tr>
<tr>
<td>8</td>
<td>Timeline</td>
<td>Milestones and Important Achievements of The Hague Institute</td>
</tr>
<tr>
<td>10</td>
<td>Convening Power</td>
<td>A Transatlantic Partnership</td>
</tr>
<tr>
<td>11</td>
<td>Bridging The Hague-Geneva Divide</td>
<td>Harmonizing Multiple Investigations of International Crimes</td>
</tr>
<tr>
<td>14</td>
<td>Lessons from Macedonia</td>
<td>Balancing Protection and Integration in Multiethnic Societies</td>
</tr>
<tr>
<td>17</td>
<td>The Peace-Justice Nexus</td>
<td>Understanding the Impact of the ICC in Kenya</td>
</tr>
<tr>
<td>18</td>
<td>Re-thinking Governance in Fragile States</td>
<td>New Approaches to Conflict Prevention and Peacebuilding</td>
</tr>
<tr>
<td>20</td>
<td>Fact-Finding in Lebanon</td>
<td>An Integrated Approach to Forensics</td>
</tr>
<tr>
<td>22</td>
<td>Building Capacity at Home and Abroad</td>
<td>Two Policy Studies Offer Solutions to Local Challenges</td>
</tr>
<tr>
<td>24</td>
<td>Mitigating the Impact of Climate Change</td>
<td>Developing Local Climate Action Plans for Communities in Zanzibar</td>
</tr>
<tr>
<td>26</td>
<td>Water Diplomacy and Conflict Prevention</td>
<td>Using Water as Leverage in Deadlocked Middle East Peace Process</td>
</tr>
<tr>
<td>28</td>
<td>Snapshots</td>
<td>Dialogues, Meetings and Events</td>
</tr>
<tr>
<td>29</td>
<td>Four Freedoms: Building Blocks for a Better World</td>
<td>Han Polman, King’s Commissioner in the Province of Zeeland</td>
</tr>
<tr>
<td>30</td>
<td>Recent Publications</td>
<td></td>
</tr>
</tbody>
</table>
Testimonials

“It has been an honor to serve as Chair of the Advisory Council of The Hague Institute for Global Justice for the past five years. The Institute has quickly established itself as a leading think tank focusing on practical solutions to the consequential challenges facing policymakers today. It has produced thoughtful and high-quality publications such as Confronting the Crisis of Global Governance and *The Hague Approach*, while illuminating the tangible and positive difference that justice makes in people’s lives. I have every confidence that The Hague Institute will continue to make important contributions to the timeless and challenging quest for global justice.”

Madeleine K. Albright, Chair of the Advisory Council of The Hague Institute

“The Hague Institute for Global Justice was established five years ago in response to a growing demand for policy-relevant research and innovative thinking on critical issues of peace and justice. Today, the Institute plays a key role in informing the work of cities, governments and international organizations by conducting research, building capacity, and convening renowned scholars and practitioners to discuss solutions to contemporary global challenges. I am delighted by what the Institute has achieved in just five years and am confident that it will continue to make important contributions to global peace and justice.”

Jozias van Aartsen, Mayor of The Hague

“In the five years since its establishment, The Hague Institute for Global Justice has become an important resource for policymakers in the Netherlands and beyond. I was delighted to participate in the consultation organized jointly by the Institute and the Netherlands Ministry of Foreign Affairs on the Strategic Review of the Common Foreign and Security Policy of the European Union in December 2015. The Institute has demonstrated a keen sensitivity to the needs of policymakers and has much to offer in support of national, regional and international policy processes.”

Bert Koenders, Minister of Foreign Affairs of the Netherlands

“Since its inception in 2011, The Hague Institute has quickly distinguished itself as an intellectual hub for serious interdisciplinary thinking about ways of promoting international peace and justice. To be sure, in the international city of justice that is The Hague, the Institute has steadily grown into the resource of choice for expert debate and discussion on international criminal justice writ large. The contribution of the Institute to the important issues confronting international criminal justice in general and the International Criminal Court in particular has been noteworthy and is deserving of praise. I thank the Institute for its indefatigable efforts and contributions and wish it continued success.”

Fatou Bensouda, Prosecutor of the International Criminal Court
Theodor Meron

A New Era of Accountability

In the last quarter-century, the establishment of a number of international and hybrid courts has demonstrated a growing commitment by the international community to ensuring accountability for violations of international law through fair and independent judicial proceedings. But if we are to bring an end to impunity for violations of international law, it is essential that we find ways to ensure principled accountability the world over. This is the only way to ensure respect for the rule of law, and for communities to benefit from all that the rule of law offers.

Norms governing the conduct of warfare have existed for centuries. But it is only in the last 25 years that we have seen concerted efforts to ensure that these principles—now referred to as international humanitarian law—are enforced and that individuals who breach them are held accountable by fair and impartial courts. The International Criminal Tribunals for the former Yugoslavia and for Rwanda, established by the UN Security Council in the early 1990s, were pioneers in this regard, and paved the way for the creation of a number of other international or hybrid (national/international) institutions mandated to try those accused of responsibility for devastating atrocities and other acts in violation of international law, including the world’s first, permanent international criminal court.

These different courts have demonstrated that cases of exceptional complexity and dimension can be tried fairly and independently, and developed an extraordinary corpus of jurisprudence elucidating the elements of international crimes, modes of individual criminal responsibility, and basic norms of international humanitarian law in ways never done before. They have also reflected an extraordinary shift in global awareness when it comes to the need to end impunity for international crimes. Where accountability was once the rare exception, it is increasingly a strongly held expectation; today, it is the absence of accountability initiatives—such as with respect to on-going atrocities in Syria—that garners attention. We are, in many ways, witnessing the dawn of a new era of accountability and respect for the rule of law. Through the recent establishment of the Mechanism for International Criminal Tribunals, which reflects a new model of international criminal courts, as well as a number of other internationalized bodies, we see evidence of an on-going commitment to justice.

Despite all that international and hybrid courts have done or can do, they will never be able to ensure that all those who may be responsible for violations of international law will be called to account; indeed, they have neither the mandate, nor the resources, nor the political will to do so. Nor were they ever intended to be the sole or even the primary means for ensuring accountability for international crimes. Where national courts in affected countries can try cases themselves, fairly and in accordance with all relevant legal principles, they will typically be the best forum. And where other national courts or regional initiatives offer a solution, we must be open to these paths as well.

In short, the goal must be to empower fair judicial proceedings whichever the forum, to ensure universality and equality in the application of the law, and to make sure that no one—no matter rank or office, nationality, or the territory in which he or she is found—shall be beyond the reach of the law. It is only by ensuring accountability for all crimes that we can truly say that we are abiding by the rule of law, which abhors selectivity. And the key for doing this is to grow the capacity of national courts and national authorities the world over to investigate and fairly try international crimes. It is only in this way that we will truly end impunity.

Theodor Meron
President, MICT
Timeline

Milestones and Important Achievements of The Hague Institute. Here are 10 highlights.
Convening Power

Transatlantic Partnership Addresses Pressing Questions of Law and Justice

The Hague Institute and The Brookings Institution have embarked on a transatlantic partnership that seeks to address pressing questions of international law and global justice. The International Justice, Law and Policy Briefing Series explores complex transnational themes such as the responsibility to protect, countering violent extremism, and international migration in order to shape norms, guide jurisprudence and offer frameworks for effective policy solutions.

The series is anchored by two lectures that take place annually in Washington D.C. and The Hague, with the generous support of the city of The Hague and the Embassy of the Netherlands in Washington D.C. The Justice Stephen Breyer Lecture on International Law and the Madeleine K. Albright Lecture on Global Justice provide a unique opportunity for legal practitioners and policymakers on both sides of the Atlantic to engage with eminent international thought-leaders and decision-makers on the most challenging issues of our time.

The Breyer Lecture – named after Justice Stephen Breyer of the United States Supreme Court, and now in its third year – is hosted annually in Washington D.C. The inaugural lecture was delivered in 2014 by Justice Breyer himself and focused on the role of the U.S. Supreme Court in the world and the increasing importance of international law. The second and third Breyer lectures were delivered by the Director-General of the Organization for the Prohibition of Chemical Weapons, H.E. Ahmet Üzümcü, and Sterling Professor of International Law at Yale Law School and former legal advisor of the U.S. Department of State, Professor Harold Koh. Ambassador Üzümcü discussed the process of dismantling Syria’s chemical weapons stockpile and its implications for peace and security, while Professor Koh addressed thorny legal issues pertaining to contemporary warfare.

The Albright Lecture – named after former United States Secretary of State and Chair of the Advisory Council of The Hague Institute, Madeleine Albright – is now in its second year and takes place in The Hague. The series was inaugurated by Secretary Albright in 2015 with a lecture on the critical role of the rule of law in bringing peace and justice to the most troubled parts of the world. The second lecture in the series was delivered by the former Foreign Minister of Canada, Dr. Lloyd Axworthy, who addressed a range of contemporary global justice issues with which Secretary Albright is closely associated. Dr. Axworthy paid particular attention to the responsibility to protect, focusing on the plight of refugees and the internally displaced.

The Breyer and Albright lecture series are due to continue in 2017. Together with its partners in the United States and the Netherlands, The Hague Institute is committed to strengthening transatlantic engagement on the myriad peace and justice challenges we face.

“We are proud of this partnership and look forward to engaging with The Hague Institute for years to come.”

Strobe Talbott, President, The Brookings Institution
In May 2010, UN Secretary General Ban Ki-Moon announced that we were “witnessing the birth of a new Age of Accountability.” He was referring to the successes of the UN-created courts that tried the alleged perpetrators of mass atrocities committed in the former Yugoslavia, Rwanda, and Sierra Leone, and the promise of the permanent International Criminal Court (ICC). Six years later, this new age seems slow in arriving, not least because the world’s worst situations of ongoing mass atrocity – in Syria, Iraq, and South Sudan – are beyond the present reach of international criminal justice. They are not ICC members and the UN Security Council (UNSC) route to bringing these situations before the ICC has been blocked by vetoes, cast aside or threatened.

However, at the same time that the UNSC in New York was blocked, the UN Human Rights Council (UNHRC) in Geneva was able to establish commissions of inquiry or other fact-finding missions for Syria, Iraq, and South Sudan, and additionally in other situations where vetoes likely would have been cast—North Korea, Eritrea, Sri Lanka, and Gaza.

The UNHRC consists of 47 member-states elected for three year terms by the UN General Assembly. By tradition, its members prefer to operate by consensus, but when consensus is not possible, mandates for official inquiries can be approved when a majority of members vote yes, and none have the power of veto. Of course, the UNHRC’s legal basis for creating these inquiries is to determine whether there have been serious violations of International Human Rights Law (IHRL) and to press for adherence to IHRL by those exercising state authority. However, the very seriousness of the violations has led the UNHRC to mandate these inquiries to determine whether the IHRL violations constituted crimes such as genocide, crimes against humanity, and war crimes under International Criminal Law (ICL), to identify those responsible, and to recommend measures to end impunity for these crimes.

Most of the inquiries have found that the violations were international crimes, and have proceeded to draw up confidential lists of suspected perpetrators and to recommend referral to the ICC. When public prosecution authorities gain jurisdiction to examine the same situations, whether at the ICC...
in The Hague or in national systems, they look for evidence of individual criminal responsibility. This is a different process than that conducted by Geneva-led inquiries, but given that the locations of serious human rights violations are also the scenes of international crimes, these processes should be conducted in ways that are mutually beneficial. Yet, The Hague and Geneva-led processes have all too often remained isolated from each other.

Having served as an international prosecutor for Rwanda and Sierra Leone, and for six years as the U.S. Ambassador-at-Large heading the Office of Global Criminal Justice in the Obama Administration, this situation is familiar to me. During my ambassadorship, I traveled some 2.5 million kilometers to 87 countries to further accountability for crimes of mass atrocity, and was a regular visitor to The Hague, but also increasingly to Geneva, as UNHRC-mandated inquiries came to be seen as a way to lay the foundation for accountability where the immediate path to justice was blocked.

The Hague Institute’s research project “From Fact-Finding to Evidence”, looks for ways in which human rights investigators and criminal prosecutors could more effectively interact with each other without compromising their respective mandates.

The project recommends bringing together both institutional actors and career professionals “to discuss challenges, tensions, and potentialities and develop greater methodological and operational cohesion.”

“The Hague and Geneva-led processes have all too often remained isolated from each other.”

To this end, we recruited 27 people who have worked in positions of institutional leadership and also at the professional level in investigating situations that involved both serious violations of human rights and mass atrocities. Each of these experts was engaged to refine a list of issues on which it might be possible to achieve consensus solutions that would benefit both international criminal investigations and human rights inquiries. Issues that required further research were identified and the necessary work completed.

On 20-21 April 2016, the experts convened for two days at The Hague Institute. The group discussed 16 specific issues, and reached a tentative consensus on 12 of them. Comprehensive minutes of the sessions, filling 140 pages, were prepared, distributed to the group, and edited by the participants. Based on these deliberations, specific proposals were drafted and then discussed at a second gathering on 25-26 July 2016 at
the Geneva Academy of International Humanitarian Law and Human Rights.

Final versions of the proposals are being developed for consideration and approval at the final convention to be held at the Bellagio Center on Lake Como on 25-26 October 2016. It is the goal of the process to yield the following:

1. Principles and guidelines for determining whether human rights violations were international crimes and for identifying who was most responsible for their perpetration.

2. Principles and guidelines for collecting statements of witnesses and other information so as to maximize their value for both international human rights compliance and international criminal justice.

3. Recommendations for the administrative structures, budgetary processes, and personnel practices of human rights inquiries and related efforts so that they will better serve the ends of accountability.

4. A strategy for achieving the acceptance and implementation of the principles, guidelines, and recommendations by the relevant bodies and organizations, in order to more effectively deter mass atrocities.

This process has benefitted from The Hague Institute’s ability to bring together institutional leaders and experienced professionals to find mutually beneficial ways to achieve their goals.

Its successful implementation will depend on the Institute continuing the interchange between global experts and its state-of-the-art training of practitioners. It could gain even more by the Institute’s development of a global interactive platform to connect practitioners in the field to those who have overcome similar challenges elsewhere in the world.

Stephen J. Rapp
Distinguished Fellow

“We have to build the expectation that justice is coming. [This requires] improving co-operability between Commissions of Inquiry and the ICC in case hard evidence emerges that makes it possible for individuals to be prosecuted for these crimes.”
Lessons from Macedonia

Balancing Protection and Integration in Multiethnic Societies

The presence of national minority groups requires state authorities to balance the obligation to protect the identity and culture of these groups, as well as their right to speak their language and learn their history, with the need to ensure their integration into society as a whole. While protection and integration are complementary, as they are both essential to enabling a peaceful and cohesive society, they are often considered separate and opposing values.

The recent history of highly multiethnic countries like Macedonia shows how this balance is often difficult to strike, and how crucial the role of the education system is in that respect.

In the Western Balkans, and especially in Macedonia, the emphasis over the past decade on minority protection has helped to grant children belonging to different ethnic and linguistic groups the right to study in their mother tongue and preserve their culture, traditions and original national identity.

Today, Albanian or Turkish children in Macedonia are free to study in their native language, a right that for a long time was denied. However, such minority protection efforts, especially in the context of the education system, have led to parallel societies, polarized along ethnic and linguistic lines. Protection was intended to keep communities separated, to avoid direct confrontation and decrease chances of conflict.

The prevalence of monoethnic schools and the limited opportunities schools offer to children to learn the language of other groups are just some examples of how the education system has intentionally entrenched divisions. The effect of such policies has been the crystallization of differences and the fragmentation of local society.

Interviews recently conducted in Skopje by a Hague Institute research team reveal that children from Macedonian and Albanian communities, born and raised in the same city, often...
Current Work

The three focus areas of The Hague Institute’s work are Conflict Prevention, Rule of Law and Global Governance.
have to speak English to communicate with each other. Apart from language, there is also a lack of common identity. The most common answer to the question “Where are you from?” is: ‘I am an Albanian from Macedonia’ or ‘I am a Turk from Macedonia.’

The Hague Institute project *Balancing Protection of Communities and Integration of Society: A Study of Primary Education in Macedonia* intends to take stock of the progress achieved in the last two decades in advancing both the protection and integration of different communities living in Macedonia, and the challenges that still disrupt the balance between these two important objectives.

By collecting data both at institutional and the school level, this policy-focused study investigates how changes in the strategic areas of language education, history education, and decentralization—as identified by The Hague Recommendations Regarding the Education Rights of National Minorities—have affected the protection of minority rights and the integration of minorities into Macedonian society.

The main research question that this study seeks to address is whether education can contribute to both the protection of minority rights and the integration of minorities into society, and to test how this balance can help prevent violent conflict.

While this study specifically looks at Macedonia, its findings and recommendations will be highly relevant to many other geographical contexts, where the integration of different communities has been, and continues to be, a challenge and possible cause of grievances and conflict.

*Agnese Macaluso*
*Researcher*
Case Study: Peace-Justice Nexus Project

Understanding the Impact of the International Criminal Court in Kenya

Following a highly contested election in December 2007, Kenya was plunged into inter-ethnic violence which left more than 1,000 people dead and hundreds of thousands displaced. While the level of violence witnessed in 2007/2008 was shocking, Kenya has a history of elite driven electoral violence with a culture of impunity. Despite poor human rights practices, Kenya joined the International Criminal Court (ICC) in 2005. As a result, it committed itself to addressing mass atrocities and made it possible for its citizens to be subjected to an ICC prosecution.

Shortly after the election violence, the ICC’s Office of the Prosecutor (OTP) started a preliminary examination, and in March 2010, opened an investigation into the situation of Kenya. By the end of 2010, the OTP had charged six Kenyans with crimes against humanity, based on their alleged involvement in orchestrating the violence in 2007/2008. Among those indicted were two individuals who were elected Kenya’s President (Uhuru Kenyatta) and Deputy President (William Ruto) in March 2013.

With a view to assessing whether the ICC contributes to the prevention of the most serious crimes, as suggested in the Rome Statute, The Hague Institute and its partners – Global Partnership for the Prevention of Armed Conflict, Nairobi Peace Initiative and Dr. Yvonne Dutton of Indiana University’s Robert H. McKinney School of Law – are conducting a case study to examine the impact of the ICC in Kenya.

The study draws on documentary evidence obtained from the government, NGOs, news media, and scholarly sources, as well as from a survey conducted in Kenya during 2015. Evidence derived from the interviews reveals the complexities of gauging the ICC’s deterrent power and its impact on domestic politics.

The ICC’s deterrent power may vary depending on the level of its intervention and the type of actor targeted. The lowest level of ICC intervention—ratification—clearly did not prevent incident of mass atrocities or other human rights abuses.

The study found potential evidence of a deterrent effect after the OTP decided to launch cases against specific individuals.

There is reason to believe that these cases played a role in the relatively peaceful elections in 2013. Among the six suspects were the two presidential candidates, Uhuru Kenyatta and William Ruto, who joined forces, reportedly in part to defeat the ICC. The fact that these political rivals united may have alleviated some tensions between ethnic groups. The evidence of a deterrent effect during the period of the ICC’s prosecution is equivocal. While the threat of prosecution increased the costs of violence, it also may have influenced state leaders to commit human rights abuses to help them hold on to or gain power in order to thwart the ICC.

Reports suggest that while leaders were preaching peace, they were also allegedly bribing, intimidating, forcibly disappearing, and perhaps even killing (potential) witnesses. The ICC suspended the cases against Kenyatta and Ruto in March 2015 and April 2016, respectively.

Dr. Yvonne Dutton and Tessa Alleblas have a forthcoming article based on this research in St. John’s Law Review entitled “Unpacking the Deterrent Effect of the International Criminal Court: Lessons from Kenya.”

Dr. Eamon Aloyo, Senior Researcher
Tessa Alleblas, Researcher
Participants reflected on the staggering humanitarian, economic and social costs of contemporary armed conflicts, and explored the norms, tools, actors and institutions integral to successful conflict prevention and peacebuilding during three days of intensive discussion. We concluded that while normative and political commitments to preventing deadly conflict and building sustainable peace are not lacking, greater thought and effort are required to operationalize these commitments and deliver tangible results.

The first phase of the Global Table focused on how to prevent the initial onset of deadly conflict more effectively. The case of Macedonia in the 1990s was particularly instructive. The UN Preventive Deployment Force (UNPREDEP) was deployed in Macedonia from 1992 to 1999 and prevented a spillover of the violence raging in other parts of the former Yugoslavia.

Key factors contributing to this success included the timely request for international assistance made by the Macedonian...
President (early warning), and the prompt and robust response from the UN Security Council, which provided a clear mandate, sufficient resources and sound inter-organizational coordination (early and effective action). The Macedonian case underscores that successful conflict prevention is more likely when external assistance is desired and supported by the host state. Where lacking, such support should ideally be gained through the provision of incentives for cooperation.

Participants agreed that conflict prevention efforts are hampered not by a lack of tools, but a lack of context-specific knowledge and comprehensive strategy. Effective early warning and early action require information gathering, analysis and reporting that is timely and accurate. Information must be sought from a multiplicity of sources – including the private sector, which is often overlooked – and result in clear, practicable recommendations for action. Importantly, conflict prevention efforts must be guided by an overarching strategy that delineates the roles of key actors and articulates which political, military, legal and socioeconomic tools must be deployed and how.

The second phase of the Global Table focused on the challenges of building sustainable peace in fragile states with long histories of deadly conflict. Participants concurred that while each conflict-affected situation is unique and requires a tailored response, it is possible to identify general principles for improving the effectiveness of current peacebuilding efforts.

The Hague Institute’s 2013 publication *The Hague Approach* details six principles for achieving sustainable peace in post-conflict situations. The principles emphasize the importance of secondary prevention to avoid a relapse into violence; fostering a rule of law culture to buttress formal legal institutions and procedures; adopting a network response that encourages cooperation between a shifting constellation of actors relevant to the specific tasks at hand; engaging the private sector by creating a business enabling environment; utilizing strategic communication to manage expectations and build rapport between local and international stakeholders; and ensuring adequate knowledge through continuous learning that draws on local and international expertise.

While operationalizing these principles is complex and requires reconciling competing imperatives, they offer important insights into how best to navigate the arduous terrain of post-conflict peacebuilding.

Generating and maintaining the political will necessary for effective conflict prevention and peacebuilding was a recurring theme in our discussions. The long time-horizons and heavy resource commitments conflict prevention and peacebuilding entail militate against sustained political commitment at the international level. We concluded that our efforts must focus on creating suitable conditions for eliciting strong and consistent political support. This includes consolidating normative advances, crystallizing broad political commitments into clear and binding obligations, and creating broad-based, bottom-up pressure to support conflict prevention and peacebuilding initiatives in the long-term.

Dr. Abi Williams
President
Fact-Finding in Lebanon: An Integrated Approach to Forensics

Lebanon is facing increasing challenges to its security and justice sectors. With an estimated population of 4.7 million, Lebanon is currently providing refuge to approximately 1.14 million Syrian refugees – a ratio of almost 1 to 4. Armed groups continue to pose threats to the peace, justice and the stability of the state. As a response to these and other challenges, Lebanese actors are seeking to enhance the use of forensics in legal proceedings. Together with its partners, The Hague Institute is assisting these efforts, which are ultimately intended to enhance fact-finding, accountability, and a rule of law culture in Lebanon.

This three-year initiative is rooted in research on fact-finding in Lebanon as part of the Institute’s Accountability and Civic Trust project. One of its main findings was that legal and forensic experts must jointly expand their capabilities to use forensics in fair trials.

The first Hague-based project activity followed this recommendation, and involved a high-level exposure visit upon the request of the Chief General Prosecutor to the Court of Cassation, Judge Samir Hammoud. From 19 to 25 June 2016, Judge Hammoud and 12 other prosecutors and trial and investigative judges traveled to The Hague for research presentations and expert exchanges. These activities focused on the national and international level, for two reasons. First, exchanges between Lebanese and Dutch experts are apposite, because both states have more inquisitorial criminal proceedings. This means that, unlike experts in common law countries with adversarial proceedings, these experts are more familiar with a ‘free system of evidence.’

That is, Lebanese and Dutch judges can freely assess the relevance, credibility, and probative value of evidence, without being bound by strict admissibility rules. Benefitting from this common understanding, Lebanese and Dutch experts shared insights into the usefulness of forensics – not least because, after several miscarriages of justice, the Netherlands has sought to integrate forensics into fair trials. Special attention was paid to how lawyers can control the quality of forensic laboratories and forensic
experts’ reports and testimonies.

Second, at the international level, exchanges with experts from Hague-based courts and tribunals emphasized particular challenges of transnational and international crimes. While globalization is mostly a positive force, flows of information, people and goods create particular difficulties for many countries, including Lebanon. Strategies for the investigation and prosecution of these usually complex crimes require tailor-made solutions. Sessions on sexual and gender-based crimes and terrorism sought to achieve this aim.

To see forensics ‘in action,’ the program included visits to the International Criminal Court, the Special Tribunal for Lebanon, and the laboratory of the Netherlands Forensics Institute.

The next steps in this project, which will last until 31 December 2018, will include capabilities and needs assessments regarding training on the use of forensics in fair trials. Follow-up expert exchanges will take place in The Hague and Beirut. Joint curricula for professional training programs will be developed with the intention of expanding the benefit of this project to the next generation of legal and forensic experts. All these activities will be demand-driven and designed to contribute to the overall objective of fostering a rule of law culture in Lebanon.

This three-year project, entitled “The Netherlands Support to Forensic Capability and Uptake in Lebanon,” is executed in a partnership with Aktis Strategy and the Netherlands Forensic Institute, and is generously funded by the Netherlands Ministry of Foreign Affairs.

“...This project is an important component of The Hague Institute’s efforts to strengthen access to justice by promoting a local rule of law culture. This requires enhancing accountability and building civic trust in formal and informal justice institutions. This project seeks to achieve this objective by ensuring fairer and more effective legal proceedings and promotes an integrated approach to forensics in the security and justice sectors in Lebanon.”

Dr. Jill Coster van Voorhout
Senior Researcher
Building Capacity in Mali

Civil society organizations in Mali are attempting to strengthen their peacebuilding efforts and enhance human security in their country. Mali has been suffering from conflict since 2012, especially in the northern region, where Tuareg rebels are fighting government forces for independence. Armed groups are staging attacks against civilians, Malian soldiers and peacekeepers alike.

Enhancing human security in Mali requires more than simply ending the conflict. Whereas state-centric conceptions of security focus on the presence or absence of (interstate) conflict, human security takes into account the experience of individuals, whose security also depends on economic, political and social factors, as well as public health and natural resources. The comprehensiveness of the human security concept calls for a multifaceted methodological approach to peacebuilding policies.

The Hague Institute’s project *Learning from Design in Mali*, which ran from January to June this year, worked with the West African Network for Peacebuilding in Mali (WANEP) and the Global Partnership for the Prevention of Armed Conflict (GPPAC) to elaborate on consultations WANEP held with stakeholders in 2014 and 2015 about participatory approaches to a human security strategy. The project was funded by the Netherlands Research Council (NWO).

The aim of the project was to assess, together with non-governmental organizations and civil society organizations in Mali, how policies are shaped and programmed, and to strengthen the role of these organizations in those processes. The project also sought to understand why civil society organizations (CSOs) choose specific methods for data collection as an evidence base for designing and influencing human security policies.

Lessons and Opportunities for Mayors in Preventing Violent Conflict

Statistical trends for at least the last 30 years demonstrate that the world is urbanizing steadily, and in concentrated urban centers, complex problems are certain to arise. In particular, the marginalization of groups, along racial and/or socio-economic lines, drive violent conflict in cities around the world. Among an array of institutions and actors, mayors are in the unique position to directly address the issues that threaten security, peace and justice in their cities. Consequently, social cohesion, integration and security have taken a prominent place on municipal agendas. In Phase One of the project on Conflict Prevention in The Hague and the Metropolitan Area, completed this year,

The Hague Institute convened more than 100 representatives in The Hague and the metropolitan area from the municipality, the police, the health sector, education, the private sector, civil society, and academia, in order to determine how best to tackle urban violence and its underlying causes. The study builds on established principles of conflict prevention and effective network responses as formulated in The Hague Approach, and the resulting report offers important lessons and a model for dialogue that could be shared and possibly applied to other cities in the Netherlands and beyond. The Phase One report focuses on understanding conflict dynamics in The Hague, the value and limitations of existing approaches to tackling and preventing violence, and the responsibilities of the different actors in conflict prevention efforts. The consultations surrounding these themes resulted in three recommendations for The Hague, which are outlined in the report. (1) Invest in education to promote active citizenship, critical thinking and debate; (2) Strengthen dialogue between street-level police and youth; and (3) Further involve the private sector in community-based initiatives. Phase Two of the project, which is anticipated to run until May 2017, aims to develop these recommendations into projects to be run by stakeholders in order to mitigate the rise of violence in their city.
The project found that when it comes to formulating policies, the collection of data is of prime importance to the CSOs active in Mali. Evidence-based policies better reflect the situation of the diverse Malian population and therefore more effectively respond to the population’s needs in a human security context. The methods CSOs employ to gather evidence therefore strongly influence the policies set in place with the aim of furthering human security.

The Learning from Design in Mali project used Q Methodology to interview CSO representatives on the decision-making processes behind their role in evidence-based policy. Using this methodology, participants were asked to rank a set of statements based on their level of agreement; first in a broad sense (agree/disagree/neutral) and then in a more detailed ranking with categories ranging from 1 (very strongly disagree) to 9 (very strongly agree). The statements were formulated in advance of the interviews based on consultations with stakeholders and partners.

12 NGOs and over 40 CSOs representing four out of nine Malian regions (including the Bamako District) were interviewed using the Q Methodology.

As a research method in war-torn countries, the Q Methodology is an innovative approach. It is typically used by psychologists in stable contexts to gain an understanding of people’s perspectives, motives and subjectivity in making decisions. Because it occupies a middle ground between qualitative and quantitative approaches, it allows participants’ subjectivity to be expressed while at the same time enabling researchers to identify generalizable trends.

12 NGOs and over 40 CSOs representing four out of nine Malian regions (including the Bamako District) were interviewed using the Q Methodology. In January, a consultation meeting with 14 stakeholders took place, followed by a one-day workshop at The Hague Institute in March with several European NGOs active in Mali, and a one-day training on Q Methodology.

The final project meeting in Bamako in June served to validate the findings from the research and to contribute to the development of a new human security strategy in Mali and at the regional level.

The research found that CSOs used a range of methods including mainly focus groups, informal consultations and surveys to gather data and to form an evidence base for human security policy. Reasons for this included the importance placed by CSOs on involving communities through participatory methods, and the need to involve groups that tend to be marginalized in Mali’s diverse society. The CSOs employed and adapted different methods because they had the necessary technical expertise, and did not feel constrained by national or international preferences for specific methods, approaches and types of data.

The project also revealed that CSOs valued the monitoring and evaluation of their role and contribution to the policy-making process, which reinforced the professionalism of civil society and their commitment to iterative processes of self-learning and ultimately a more stable and peaceful environment.

Practical recommendations from the project addressed the need for effective coordination of and cooperation between NGOs and CSOs to ensure more consistent and compelling data. Furthermore, the government and international donors and organizations are urged to recognize the unique contributions of civil society in the design and implementation of policy, and specifically to provide greater support for a human security approach.

The methods, findings and concrete recommendations to stakeholders are further detailed in an upcoming project report and policy brief, set to be released in Autumn 2016.

Dr. David Connolly
Head of Research
For communities living on small islands, climate change is more than a buzzword. Small island communities face the imminent impacts of climate change which manifest in rising sea levels, coastal erosion and changing rainfall patterns. These impacts have direct consequences for livelihoods dependent on natural resources, such as agriculture, fisheries and tourism.

In the Winter 2015 edition of Intersections, The Hague Institute introduced its project on climate change adaptation in the East African island of Zanzibar. After two years of field research and participatory planning, this project is near completion and will publish in Winter 2016 its final deliverables, including a set of local climate action plans for three coastal communities in Zanzibar.

Multi-stakeholder workshops have been instrumental for the development of each local climate action plan. The first round of workshops were held within the communities and were attended by farmers, fishermen, tourism operators, religious leaders, and local government representatives. The second workshop, held at the national level, aimed to bridge the bottom-up approach and top-down policies and visions. Each workshop sought to identify common concerns and define practical physical and governance solutions. Together, participants evaluated the design, impacts and feasibility of the proposed adaptation measures for each community and assessed possible trajectories for mainstreaming local measures into national policymaking.

In October 2016, The Hague Institute will convene a final workshop to engage stakeholders in the final review of the local climate action plans. Realizing that adaptation to climate change requires multi- and cross-sectoral efforts, several of the ministries – environment, water, agriculture, forestry, fisheries, urban and rural planning – have committed themselves to work with the Institute’s project team to specify their respective roles in implementing each local climate action plan.
The participatory planning approach is new to Zanzibar. And compared to past practices, the approach has facilitated further ideation and knowledge sharing, built mutual trust, developed consensus-based solutions, and improved the learning ability of organizations and persons. It has been welcomed by everyone involved so far.

Throughout the research process, the team convened regular consultations with multiple actors at the local and national level to improve the usability of each action plan and to better tailor them to local realities.

The participatory planning approach also serves to prevent local conflict, which lies at the heart of this project. Through ex-ante inclusive planning and decision making, the approach mitigates the risk of conflict among economic sectors with competing objectives, as well as conflict among communities due to resource depletion and relocation.

Last but not least, the project has strengthened the capacity of selected government staff to facilitate participatory planning processes in the future, which forms another legacy of this project on the islands of Zanzibar.

Ting Zhang, Researcher
Dr. Patrick Huntjens, Senior Researcher
Using Water as Leverage in Deadlocked Middle East Peace Process

Almost 25 years after Arafat and Rabin signed the Oslo I agreement on the lawn of the White House in 1993, a lasting solution to the Israel-Palestine conflict seems as far away as ever. The Netherlands and the EU remain committed to a two-state solution, but without success.

The Netherlands has a worldwide reputation in one area where it can use its experience and expertise to help provide a new impulse to the peace process and possibly make a difference: water management.

Water is one of six key issues discussed in the Middle East peace process. Fair distribution of and access to clean water is a crucial step towards improving the humanitarian situation in Palestine. It would also lead to greater food security and a better environment, and boost tourism, the economy and employment. Instead, the current lack of clean water is feeding frustration, protests, and violence. Extremist political parties capitalize on the hopelessness felt by people, who are desperate for change. An agreement between Israel and Palestine on water could break the cycle of violence and be a first step towards stability in the region.

In 2014, The Hague Institute played a mediating role in water cooperation talks between Palestine and Israel, with support from the Dutch government, which resulted in a blueprint for a future water agreement, as part of the Geneva Accord. In June 2016, the Institute participated in an expert panel at the European Policy Center, which discussed the opportunities for closer EU-Israel cooperation through water security and diplomacy. Water scarcity and low socio-economic development were identified as two factors that further strain political tensions in the Middle East. External support by the EU and others could improve the efficiency of water management in the region. Demonstrating further its commitment and expertise in water in the region, The Hague Institute and its partners launched the Water Diplomacy: Making Water Cooperation Work project in 2015. This included the development of an innovative

“There is an opportunity for the Netherlands to play a role as a mediator and knowledge broker in the field of water management, and to foster cooperation towards mutual trust that would provide a foundation for a future solution to the Israel-Palestine conflict. It is now up to Prime Minister Rutte and Prime Minister Netanyahu to seize this opportunity.”
framework for multi-track diplomacy for understanding and advancing water cooperation. The state-of-the-art framework entails a legal and political-economy analysis focusing on specific challenges and options for cooperation.

The framework is currently being tested and fine-tuned in the Jordan and Brahmaputra case-study basins, while recognizing that cross-border power dynamics can only be understood by also analyzing the processes of support and contestation at multiple levels within the respective countries. The research findings, on the specific challenges and opportunities related to water cooperation within a basin, will be presented and discussed in multi-stakeholder dialogues in both river basins.

Two other examples of Dutch involvement in addressing water problems in the Israeli-Palestinian conflict include PADUCO, a partnership between Dutch and Palestinian universities to strengthen research and education on water, and an initiative of the Dutch engineering firm Royal HaskoningDHV and local partners to devise a sort of Marshall Plan for the Jordan Valley.

An investment plan of €4.3 million until 2050 would restore the water flow of the heavily polluted Jordan River, reinvigorating the entire region. The GDPs of Jordan, the West Bank, and even Israel would grow substantially as long as a two-state solution is realized that enables economic development in the Jordan Valley. This is a win-win situation for all involved, providing an incredible impetus to political and economic ties with the EU, the Netherlands, and others.

The challenges though remain significant. Because of the current political impasse in the Middle East peace process, even the most pressing water issues cannot be addressed successfully. For example, the cross boundary problem of untreated wastewater cannot wait until a two-state solution is in place. The health of both Palestinian and Israeli populations are at risk, and groundwater pollution would cause irreversible damage that jeopardizes the water supply on both sides.

Solutions are within reach only if we can muster the political willpower, knowledge and creativity needed to find them. There is an opportunity for the Netherlands to play a role as a mediator and knowledge broker in the field of water management, and to foster cooperation towards mutual trust that would provide a foundation for a future solution to the Israel-Palestine conflict. It is now up to Prime Minister Rutte and Prime Minister Netanyahu, following his recent trip to The Hague, to seize this opportunity.

**Dr. Patrick Huntjens**
Senior Researcher
On 19 September, The Hague Institute and the Mechanism for International Criminal Tribunals (MICT) organized a conversation on new models of international criminal tribunals.

Dr. Abi Williams, President of The Hague Institute, participated in a high-level panel discussion at the 2016 Chicago Forum on Global Cities. The topic of the panel discussion was Combating Violence and Building Unity.

On 31 May, the Office of the Prosecutor of the ICTY and the Institute co-organized the inaugural launch of “Prosecuting Conflict-Related Sexual Violence at the ICTY” a volume edited by ICTY Prosecutor, Serge Brammertz, and ICTY Deputy to the Prosecutor, Michelle Jarvis.

The Hague Institute and Brookings Institution welcomed former Foreign Minister of Canada, Lloyd Axworthy to deliver the 2nd annual Madeleine K. Albright Lecture on Global Justice. His lecture on 4 June offered a framework for addressing disparate challenges facing the world today.

On 13 June, The Hague Institute welcomed Irina Bokova, Director-General of UNESCO to speak on “Challenges of Global Governance in the 21st Century.” Her lecture was part of the ongoing Distinguished Speaker Series at the Institute.

On 22 April, The Hague Institute and the Roosevelt Foundation organized a unique Roosevelt Awards laureates’ event entitled ‘Roosevelt in The Hague.’ HRH Prince Constantijn moderated the panel discussion.
Roosevelt's wife Eleanor ensured that the four freedoms were incorporated in the Universal Declaration of Human Rights, a milestone document in the history of human rights, which was proclaimed by the United Nations General Assembly in 1948.

Roosevelt spoke of the four freedoms not only as the grand principles of a new world order. In the words of activist and writer Samuel Rosenman: "The Four Freedoms were not presented by Roosevelt as something from on high; instead he spoke of them in terms of the desires and needs of all human beings in the world, and each person who heard the President talk about them could feel: 'Yes, that's what I'd like to see happen myself.'"

The four freedoms are not something from on high. They are about the farmer who works hard every year to bring in the harvest and who wants to earn enough to feed his family. They are about the journalist who wants to comment on the news, and should not be afraid of being arrested for it. They are about the immigrant who wants to practice his religion openly, and should not fear discrimination because of it.

Eleanor Roosevelt said that universal human rights begin in small places. This is, of course, very true. It is in these small places, in our own neighbourhood, in our streets, our villages and our towns and cities, where we have to deal with radicalization, violence, discrimination, social exclusion and intolerance. It is also in these small places where we have to deal with the enormous challenges our world faces today, where we have to protect ourselves against those who threaten our democratic way of life, and where we have to find shelter for hundreds of thousands of refugees. And it is also in these small places where the solutions will be found to deal with these great challenges.

I am convinced that when we (continue to) adopt the four freedoms as positive guidelines for our actions on international, national and local level, irrespective of our cultural background, religious belief and political conviction, we can work together more effectively and banish evils like racism, poverty, violence and radicalization from our societies.

It is with this purpose that the Roosevelt Foundation, of which I am proud to be President, together with partners such as the Roosevelt Institute in New York and The Hague Institute for Global Justice, devotes itself to the promotion of the four freedoms and the ideals and principles they represent. Every year the Roosevelt Foundation and the Roosevelt Institute honor world citizens, who have demonstrated a lifelong commitment to these ideals and principles (see: FourFreedoms.nl).

This year the Roosevelt Foundation and the The Hague Institute also organized the event ‘Roosevelt in The Hague’. Our organizations thus draw the attention of the general public to the challenges which still have to be met in order to realize the better world Roosevelt envisioned in 1941.

Han Polman
King's Commissioner in the Province of Zeeland and the President of the Roosevelt Foundation
Recent Publications

Atrocities Prevention Report
Forthcoming: A major report assessing and analyzing the atrocity prevention efforts of the Obama Administration. Tessa Alleblas and Eamon Aloyo, in collaboration with Philipp Rotmann and Sarah Brockmeier of GPPI and Prof. Jon Western of Mount Holyoke College, co-authored the report which provides policy relevant recommendations for the U.S. government and is based on consultations with current and former U.S. government officials, and NGO representatives. The report will also inform a policy brief aimed at EU and Dutch officials. Expected: November 2016.

Local Climate Action Plans for Three Coastal Communities in Zanzibar
Forthcoming: This report presents recommendations for the communities of Mjini Kiuyu, Mkokotoni and Nungwi in Zanzibar to adapt to the intensifying impacts of climate change. It also summarizes the various assessments undertaken and different steps of the participatory planning process at the local level conducted for developing the action plans. Expected: December 2016.

Ensuring Coherence in Fundamental Labor Rights | September 2016
In April 2016, the Social Justice Expertise Center (SJEC) convened the first global conference for international judges and other adjudicators. This publication contains insights and proceedings from the conference, which will feed into a workshop on 3 November 2016. The workshop will seek to provide a comprehensive overview of the most important international instruments dealing with fundamental labor rights. SJEC is a flagship project of The Hague Institute. It conducts research and capacity-building to help companies, civil society and public institutions enhance the rights of workers.

International Labor Rights Case Law Journal, Volume 2.3 | June 2016
The International Labor Rights Case Law (ILaRC) Journal focuses primarily on jurisprudential developments relating to fundamental rights in the workplace. Relying on recent decisions from UN treaty-based bodies, this ILaRC issue highlights the role of fundamental labor rights in providing protection to vulnerable groups such as children, the disabled and ethnic minorities.

Water security has received increasing attention in the scientific and policy communities in recent years. This handbook covers the wide range of perspectives required to understand water security as a concept guiding water governance and management at different levels and in different regions. Dr. Patrick Huntjens from the Institute provided a section on key governance issues for climate adaptation and water security in the Mekong Basin.

The European Neighborhood Policy in a Comparative Perspective – Models, Challenges, Lessons
In his chapter titled, “The EU’s Differentiated Integration Frameworks: Legislative Approximation and Lessons for the Eastern Partnership”, Dr. Matta asks what the ENP, and in particular the Eastern Partnership, can learn from the experience of the other integration policy frameworks established by the EU. Dr. Matta shows how these frameworks can ultimately provide for a basic ‘check list’ of do’s and don’ts that if applied to the specific context of the ENP/EaP could bring lasting solutions in the region.

Reconciling Just Causes for Armed Humanitarian Intervention | June 2016
What constitutes a just cause for armed humanitarian intervention? Our expert on mass atrocities prevention, Dr. Eamon Aloyo, discusses the issue in his article in Ethical Theory and Moral Practice. Dr. Aloyo concludes that “justified interventions can actually promote rather than undermine collective self-determination.”

Viewing the ongoing migrant crisis through the broader framework of the EU’s enlargement policy, this policy brief takes stock of the developments over the past year and considers lessons learned for the EU’s engagement with candidate states.

Foreign Policy Objectives in European Constitutional Law | April 2016
Presenting the first comprehensive account of foreign policy objectives as a growing part of European constitutional law, the book by Dr. Joris Larik confronts the trend of enshrining international ambitions in the highest laws of states and the European Union.

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“The Hague Institute will continue to bring together ‘thinkers’ and ‘doers’ with the aim of ensuring the best ideas find their way into the policy process.”

Dr. Abi Williams
President

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