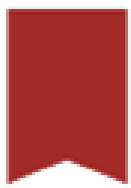

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Welcoming Words

It is with pride and pleasure that we introduce the 9th edition of the Pax et Bellum Journal. The journal is annually put together by a team of master's students from Uppsala University's Department of Peace and Conflict Research, with an aspiration to provide a platform for students worldwide to share their perspectives on topics related to the field. This year's issue consists of four articles, all chosen because they contribute unique and interesting subject matters to the interdisciplinary peace and conflict discourse. We would like to thank our exceptional authors and faculty reviewers for the time and effort they put into this journal edition.

The first contribution is by Tiril Brekke, who is pursuing a Master's degree in Political Science at Leiden University. This article comparatively analyzes external involvement in unrecognized states, and it uses process tracing to look at the differences between Norwegian and Swedish involvement in Western Sahara.

The second contribution is by Lars Heuver, who holds a Master's degree in Peace and Conflict Studies from Uppsala University. This article examines the effect of the organizational structure on outcomes of civil resistance campaigns, using a quantitative research method to test the hypotheses.

The third contribution is by Antonia Rausch, who is pursuing a Master's degree in Political Science at the Friedrich Schiller University. This article uses a systematic text analysis to delve into the position of the African Union in the discourse on Liberal Peace and its effect on peacebuilding practices in Africa.

The fourth contribution is by Valerie Kornis, who is pursuing a Master's degree at Sciences Po in Human Rights and Humanitarian Action. This article employs a quantitative discourse analysis to asses how African countries' perspectives of the ICC differ, and how these perceptions have evolved over time in procedural and performance legitimacy.

We wish you a delightful read!

A Qualitative Approach on Involvement in Unrecognized States: A Comparative Analysis of Norwegian and Swedish Involvement in Western Sahara

Tiril Brekke

Abstract
This article examines differences in state involvement in unrecognized states. It traces the differences between Norway and Sweden's reputational costs, international organizations, public opinion, and commercial interests in Western Sahara through the use of process-tracing. While Norway's reputation as a peace mediator incentivizes it to invest in values associated with this reputation, Sweden is known for its more neutral international role creating less pressure on it to take action. Furthermore, Norway not being a member of the EU facilitates the formation of an independent foreign police, while Sweden, as a member, aligns its foreign policy with the EU. Next, in contrast to Sweden, there exists public pressure in Norway from different actors on the conflict in Western Sahara. However, the last factor, commercial interests, holds a more ambiguous influence as it can be considered both a cause and an effect on involvement.

Key words: Western Sahara; involvement; Norway; Sweden; unrecognized states

Introduction

Mainstream international relations theories describe the international system as an "international community of sovereign states" (Berg and Kuusk 2010). However, different political entities that can neither be described as states nor as sovereign also exist. Unrecognized states, including Palestine, Western Sahara, and the Turkish Republic of Northern Cyprus (TRNC), are among the political entities that lack external sovereignty (Florea 2017; Kolstø 2006). These are often plagued by conflict, instability, and isolation as they fall outside the common framework for states (Caspersen 2011; Kolstø 2006). This also makes involvement in unrecognized states controversial, and, at times, difficult to justify. However, they cannot simply be ignored. Some states adopt explicit governmental advice on involvement, while others do not. This is the research question of this paper:

What explains differences in involvement in unrecognized states?

To answer this question, this paper will focus on governmental advice by Norway and Sweden on their involvement in Western Sahara. Western Sahara, described by scholars as the "world's last colony" (White 2015, 340; Zunes 2015, 285), is recognized as a non-self-governing territory by the United Nations (UN) under Moroccan occupation (Fernández-Molina and Ojeda-García 2020;

Hagen and Pfeifer 2018; White 2015; Zunes 2015). Although the Polisario Front, the Sahrawi national liberation movement, declared independence for the Sahrawi Arabic Democratic Republic (SADR) in 1976 (Fernández-Molina & Ojeda-García 2020; Hodges 1983; Porges and Leuprecht 2016; Zunes, 2015), most of the territory remains under Moroccan occupation (Campos 2008; Porges and Leuprecht 2016).

While a referendum on the matter of self-determination has been of pertinence under international law since the 1960s, this has never been realized (Fernández-Molina and Ojeda-García 2020; Porges and Leuprecht 2016; Zoubir 2007; Zunes 2015). Morocco, together with its allies, has continuously been able to circumvent this and block widespread recognition of Western Sahara (White 2015). Importantly, international recognition by a significant number of established states is necessary for a territory to achieve accepted statehood (Coggins 2014). Notably, the SADR has been recognized as an independent state by more than 80 countries since its creation (although some later retracted this recognition) (Zunes 2015). However, no Great Powers have recognized the territory as independent; a vital element for global recognition and membership in the international community (Coggins 2014). Regardless, Norway has adopted a strong stance against Morocco, advising its private actors not to get involved in Western Sahara, known as a policy of dissuasion. Practicing this policy of dissuasion is only done by two other countries, the Netherlands and Denmark, in addition to Norway (Hagen and Pfeifer 2018). Contrastingly, Sweden has taken a more ambiguous position on the issue which materialized through a planned parliamentary vote on Western Saharan recognition in 2012 that ultimately never took place. Later, in 2016, it became clear that Sweden had decided to not recognize the state, and rather adopt a position of non-recognition (Badin 2021; Västsahara n.d.). Norway and Sweden are two relatively similar countries, sharing political, cultural, social, economic, and historical characteristics (Heinze 2018). Yet, they differ in their policies on their involvement in Western Sahara, with Norway adopting a policy of dissuasion and Sweden, one of non-recognition. This study examines potential causes that may explain this difference. These include reputational risks, membership in international organizations (IOs), public opinion, and commercial interests. The analysis finds that the first three factors influence the policies on involvement adopted by Norway and Sweden, while the last factor is in need of additional research.

To answer the research question, this paper will proceed as follows: firstly, it will conduct a literature review in order to identify the relevance of the research question and present the state of the art. Secondly, a theoretical framework will be presented including the expectations of the findings. Thirdly, a comparative research will be constructed using a most similar systems design. Next, a qualitative explaining-outcome process-tracing analysis will be conducted to identify potential causes and discuss the findings. Finally, the research question will be answered in the conclusion.

Literature Review

Unrecognized states have often been considered a transient phenomenon in international relations, leading either to independence or reintegration with the parent state. However, some unrecognized states persist in this state for decades, presenting a puzzle to mainstream international relations theories.

Scholars have devoted considerable attention to the phenomenon of unrecognized states and international engagement with these political entities. At the core of these discussions is the challenge of terminology: different terms are used to describe the same phenomenon of states that have internal sovereignty but not external sovereignty. Some of these terms include de facto states (Bahcheli, Bartmann and Srebrenik 2004; Berg and Toomla 2009; Berg and Pegg 2018; Caspersen 2009; Florea 2017; Ker-Lindsay 2018; Pegg 1998), contested states (Bouris and Fernández-Molina 2018; Geldenhuys 2011; Ker-Lindsay 2015), quasi-states (Kolstø 2006), pseudo-states (Kolossov and O'Loughlin 1998), and unrecognized states (Beacháin, Comai and Tsurtsumia 2016; Buzard, Graham and Horne 2017; Caspersen 2015; King 2001; Musa and Horst 2019; Voller 2015). The proliferation of terms reflects the highly politicized and disputed nature of these entities. While each term carries different implications, the term unrecognized state appears to capture the nuances of the political entities best. Nevertheless, it is worth noting that this does not imply that the entity goes entirely unrecognized by all states. Certain unrecognized states do enjoy a degree of international recognition but fail to gather sufficient recognition to allow them into the larger community of sovereign states. Markedly, United Nations (UN) membership is often considered the ultimate "stamp of approval" as a state by the international community (Geldenhuys 2011). Additionally, the widespread and global recognition of unrecognized states is contingent on the interests and initiative of Great Powers (Coggins 2014). Hence, for the purposes of this article, being unrecognized implies that a territory has failed to garner enough recognition to be considered a state.

Relatedly, the definitions attached to the above-mentioned terms carry minor but significant differences. Scholars largely agree that unrecognized states are entities that (a) have sought international recognition but failed to acquire it, (b) control their territory, and (c) have remained in this position for a minimum of two years (Florea 2017; Kolstø 2006). Some scholars put forward additional criteria, such as having essential governance functions, not being colonial possessions, and being the result of a secessionist movement (Bahcheli, Bartmann and Srebreni 2004; Berg and Pegg 2018; Florea 2017). These differences exacerbate the challenges presented with the terminology and lead some political entities to be considered unrecognized states while others are omitted. Building on the main components of existing definitions, this paper defines unrecognized states as entities governed by a political authority that (1) provides basic governance, (2) is in control of relevant territory, (3) have unsuccessfully sought independence, and (4) have endured in this position for more than two years. Notably, this leaves out the element of secession and

colonialism as this would exclude cases that are crucial to research and have been systematically excluded in the existing literature.

Since the end of the Cold War, the number of unrecognized states has increased, and with it the academic attention to the topic. While some literature has focused on the nature of unrecognized states (Bahceli, Bartman, and Srebrnik 2004; Caspersen and Stansfield 2011; Geldenhuys 2011; Pegg 1998), their internal politics (Broers 2013; Caspersen 2012; O'Loughlin, Kolossov, and Toal 2015), and parent-state relations (Ker-Lindsay 2012), most of the literature looks at how the unrecognized state interacts with external actors. Generally, the literature on engagement with unrecognized states focuses on how engagement affects the aim of self-determination and international recognition (Caspersen 2009; Florea 2017; Kolstø 2006; Voller 2015), the reliance on a patron and the international community (Berg and Vits 2018; Caspersen 2009; Florea 2017; Kolstø 2006), and variations in engagement (Caspersen 2018; Ker-Lindsay 2018).

The academic literature outlined above focuses exclusively on state actors and their engagement with unrecognized states. However, private actors can also be seen to be involved in these political entities, although often to the benefit of the parent state or of the international community more broadly. This becomes apparent in the case of Western Sahara and how foreign private actors with commercial interests in the territory disregard the interests and wishes of the Sahrawi people but are involved in the territory (Hagen and Pfeifer 2018). This raises questions of why some states promote policies of disengagement in the territory of Western Sahara while others do not.

The existing literature also debates the legality of economic involvement in occupied territories. This is highly relevant when examining Western Sahara and external involvement, as "Morocco's presence therein meets the objective threshold of occupation under international humanitarian law" (Kassoti 2018, 305). This threshold includes the "demonstration of effective authority and control over a territory to which the occupying state holds no sovereign title - and irrespective of whether sovereign title to the territory is contested" (Kassoti 2018, 304-305). There exists a discrepancy between the position held by a number of scholars, states, and NGOs and the legal framework that governs trade with occupying powers. The former would, for instance, hold that "international law prohibits private actors from doing business in occupied territories" (Kassoti and Duval 2020, 3). Whereas, the legal framework, including customary law and treaties, remains ambiguous. Additionally, international law relies heavily on state practice as a source and interpretation of law (Kontorovich 2015). This reveals a tension between the theoretical and practical application of international law regarding the economic involvement in occupied territories.

It is important to consider the way in which states develop different foreign policies. The evaluation of foreign policy within the academic field has generally received the term "foreign policy analysis" (Hudson 2005, 2; Kaarbo, Lantis, & Beasley 2013, 2). This is considered an area

of study that connects the fields of international relations and domestic politics and views the creation of foreign policy as a multifactorial process (Hudson 2005, 2; Kaarbo, Lantis, & Beasley 2013, 2). Broadly, the literature on the making of foreign policy by states divide influencing factors into two categories: internal and external (Hudson 2005; Kaarbo, Lantis, & Beasley 2013; Minde 2021; Taras 2015). Internal factors can be considered the characteristics of the domestic political system, including the government organizations, citizens' opinions, national culture and identity, and the individual leaders (Kaarbo, Lantis, & Beasley 2013; Minde 2021; Taras 2015). The latter constitutes an individual level approach to the making of foreign policy and considers that the characteristics and personality of the leader of the government is deemed to influence foreign policy decisions (Minde 2021). External factors to the creation of a state's foreign policy include "how the international system is organized, the characteristics of contemporary international relations, and the actions of others" (Kaarbo, Lantis, & Beasley 2013, 5-6). Scholars find that these factors influence a state's response to the international environment, which is formed in the way of foreign policy (Kaarbo, Lantis, & Beasley 2013; Taras 2015). Consequently, a state's foreign policy is a result of a particular combination of several external and internal factors, distinguishable from other states' foreign policy.

Theoretical Framework

To answer the research question, this study will investigate the role of reputational costs, IOs, public opinion, and commercial interests. Before analyzing this relationship, the main concepts of this paper will need to be defined to develop clear hypotheses.

Firstly, involvement in unrecognized states can be differentiated from engagement with unrecognized states. The literature on engagement with unrecognized states mostly looks at engagement from one perspective. That is, the characteristics of an unrecognized state that will increase or decrease chances of engagement (Huddleston 2020). Additionally, this literature mainly looks at engagement through the examples provided by Ker-Lindsay (2015; 2018), including cultural programs, acceptance of official documents, and economic interactions. Subsequently, this has led to the theorization of "engagement without recognition" in which states enforce a "status-neutral position" (Coppieters 2019; Ker-Lindsay 2015; Ker-Lindsay 2018). However, engagement also happens without benefiting the unrecognized state. This can be seen through the involvement in the territory of the unrecognized state without consulting or receiving consent from the authorities of the unrecognized state. This constitutes a different type of engagement that has not received substantial, if any, attention from the literature on unrecognized states but is of significance for the future of these political entities. In order to differentiate between the existing literature that focuses on engagement and the type of engagement outlined above, the term involvement, defined as engagement without consent from the relevant authorities and without benefit to the people of the unrecognized state, will be used in this study.

Secondly, states may face reputational costs when they are conducting activities seen as a violation of international norms and rules. According to Eggenberger (2018), "[r]eputational costs are those that serve to undermine the credibility, legitimacy and integrity of actors and scholars have long understood that reputation is important" (487). More generally, reputation can be defined as "a judgment about an actor's past behavior that is used to predict future behavior" (Blandford 2011, 672) or as "the belief that others hold about a particular actor" (Yarhi-Milo 2018, 5). There is a general consensus among international law scholars that the threat of reputational costs makes compliance with international law reasonably high (Blandford 2011). Hence, involvement in unrecognized states that violates international law may lead to reputational costs for a state, consequently influencing states' decisions on involvement. In terms of Western Sahara, there are multiple international court decisions from both the International Court of Justice (ICJ) and the Court of Justice of the European Union (CJEU) stating that Western Sahara is a separate territory from Morocco and that the Sahrawi people have a right to self-determination (see for example CJEU 2018; ICJ 1975). According to Guzman (2006), states will comply with international law, even if it is costly, as they want to build a reputation of being trustworthy. This leads to the following hypothesis:

H_1: States' involvement in unrecognized states will decrease if the reputational risks increase.

The third factor, IOs, can be seen to be a subcategory of international institutions, a term widely employed throughout the literature albeit often referring to different phenomena ranging from organizations and practices to rules and norms (Duffield 2007). Traditional International Relations theories consider IOs to either be actors, instruments, or forums. These organizations shape the behavior and expectations of states through norms, rules, and practices. Hurd (2018) conceptualizes IOs at length:

> their reason for being is to regulate those same states and to require (or to encourage) them to behave differently than they would in the absence of the organization. When states choose to ignore the commitments they have made to international organizations, IOs are expected to find some way to force them to change their policies and comply. (11)

With the proliferation of IOs, the scope of their operations has expanded, increasingly emerging as vital international actors (Stone 2011). Membership in IOs may "pull" to comply and align state values with those of the organization. According to Koh (1999), liberal and communitarian explanations of compliance refer to a "compliance pull". In the case of liberalism, this is because certain laws are viewed as appropriate generating rule legitimacy. In the view of communitarianism, if a state is a member of an IO, it will feel a need to comply with the values and norms of the organization. Hence, Norway and Sweden are expected to align their involvement in Western Sahara with the IOs they are members of. For the purposes of this paper, the IO under consideration will be the European Union (EU) as it has a significant policy influence on its member states due to its supranational nature. This leads to the following hypothesis:

H_2: States' involvement in unrecognized states will increase if the EU's policies on dissuasion of involvement in unrecognized states decrease.

Next, scholars generally agree that public opinion influences policymaking (Bromley-Trujillo and Poe 2020; Hays et al. 1996; Lax and Phillips 2009; Page and Shapiro 1983). Part of the democratic theory developed by Dahl (1971) maintains that "when an issue is salient to the public, the government should take appropriate actions to be more responsive to its citizens" (Bromley-Trujillo and Poe, 2020, 280). In representative democracies, this is particularly relevant as the public elect representatives that they positively identify with as they expect them to adopt policies in line with their views (Bevan and Rasmussen 2020; Toshkov et al. 2018). Public opinion can be a decisive factor when it comes to the formation of government policies on involvement in unrecognized states. Therefore, if the public voices, concerns, and demands change, the government is expected to respond to them. This leads to the following hypothesis:

H_3: States' involvement in unrecognized states will decrease if public opinion sympathizing with the territory increases.

Finally, commercial, or economic, interests may influence a state's involvement in unrecognized states. Commercial interests can be viewed as the "motives and incentives for the actors of market relations, internal and external causes that give rise to economic interests, as well as the purpose of their realization" (Loskutov, Miroshnychenki and Lemekha 2019, 176). At times, this commercial interest will result in the exploitation of the resources of a territory, benefiting other states than the one to which the territory belongs. This is caused by the lack of clear authority in unrecognized states from which consent can be derived. The presence of resources in a territory that may be of commercial interest to state or private actors will influence their decisions on involvement with said territory. Western Sahara has an abundance of natural resources including fish, phosphates, and sand. This makes it significantly valuable to Morocco and external parties with commercial interests, but without benefit to the SADR (Hagen and Pfeifer 2018).

H_4: States' involvement in unrecognized states will increase if commercial interests increase.

Research Design

In order to investigate the potential causes for differences in involvement in unrecognized states, explaining-outcome process-tracing is appropriate. This qualitative method of analysis seeks to explain a puzzling outcome by crafting a "minimally sufficient explanation" (Beach and Pedersen 2013, 20). Hence, it is useful when studying "deviant cases". Such cases demonstrate an unexpected value compared to the typical cases within the topic of interest (Gerring 2009).

Working inductively, this method uses a bottom-up approach based on empirical research. Rather than testing or generating a theory, this method is case-centric in which existing theorization is not sufficient in explaining the outcome (Beach and Pedersen 2013). While it cannot state with certainty that the explanations put forward by the analysis are completely validated, it can only consider these explanations as important contributors to the outcome.

To investigate the research question, this study will look at the difference between Norway and Sweden's involvement in Western Sahara. Following the logic of a most similar systems design (Halperin and Heath 2012), Norway and Sweden are selected as they share essential characteristics but differ in their involvement in Western Sahara. While the two states share similar cultures, history, and political systems, they differ in their reputation, membership in IOs, public opinion, and commercial interest in Western Sahara. Hence, these variables will be investigated in order to identify whether they can explain Norway and Sweden's difference in involvement.

Most of the literature on unrecognized states investigates the same universe of cases. These include post-Soviet unrecognized states, such as Abkhazia, South Ossetia, Nagorno-Karabakh, Transnistria, and European cases, such as Kosovo and the TRNC (see Beacháin, Comai and Tsurtsumia 2016; Berg and Vits 2018; Caspersen 2009; Caspersen 2011; Caspersen 2018; Coggins 2011; Ker-Lindsay 2015; Ker-Lindsay 2018; King 2001; Kolstø 2006; Voller 2015). These cases fall within the common framework of unrecognized states that have originated from unilateral secession. Many scholars do touch upon other cases, such as Palestine, Taiwan, Somaliland, and Western Sahara, but they do not appear as often in research as those mentioned above. Most notably, Western Sahara is included in some empirical research (Geldenhuys 2011), considered a borderline case in others (Kolstø 2006), or simply excluded for not meeting the criteria of unrecognized states (Caspersen 2012). While it might be argued that Western Sahara does not control the entire territory it lays claim to, the Polisario Front does control the non-occupied territories (Badarin 2021). As such, Western Sahara is considered to satisfy the criteria of unrecognized states in this paper. However, due to its origin as an unrecognized state of thwarted decolonization, rather than the more common unilateral secession, Western Sahara can be considered a deviant case within research on unrecognized states. Thus, the explaining-outcome process-tracing method is appropriate.

In order to analyze the research question, the variables of investigation need to be operationalized. For the purposes of this research, involvement will be operationalized as state policies on involvement in Western Sahara. While this does not measure the direct involvement of Norway and Sweden in Western Sahara, the policies adopted by the governments do provide an indicator and an implication of involvement as well as of the state's position on involvement.

Secondly, Downs and Jones (2002) operationalize reputation as "a summary of its opponents' current beliefs about the player's compliance strategy or set of strategies in connection with various commitments" (98). This study will consider the role the state has in the international community and how its past involvement in peace and war processes influences external expectations of the state's role. However, it is important to note that these expectations are malleable narratives and therefore, caution needs to be applied to the results and conclusions deducted from this variable. Both the role of a state and its history can be considered to influence the compliance strategies of states.

Thirdly, looking at IOs, this paper will consider state membership in IOs, mainly in the EU, by Norway and Sweden. As Norway is not a member of the EU, while Sweden is, this IO is the most relevant to analyze for the purposes of this study. Additionally, the supranational nature of the EU and its pursuit of coordinating a cohesive European foreign policy influences individual states' foreign policy (EEAS 2019). To further operationalize this variable, this study will look at whether policies of IOs have influenced state policies on involvement in Western Sahara by Norway and Sweden.

Next, the existence of advocacy groups and these groups' salience in the public and government will be assessed in order to measure public opinion. The formation and sustained attention and awareness to certain advocacy groups by the public will indicate what the public opinion on an issue is. This can be seen through support groups to a conflict or international issue such as the conflict in Western Sahara. As this conflict has received relatively little international attention, even being labelled by the EU as a "forgotten crisis" (European Commission 2022), the existence of even just one such group in the respective countries will be considered as a proxy for public opinion. Additionally, the work of these groups, including publications and involvement with the government will be considered. Hence, the existence of groups supporting and sympathizing with the cause of the Sahrawis is used as an indicator. This indicator will be used as a proxy for public opinion due to the lack of available data on public opinion on the issue. Additionally, it is important to note that this paper will not be measuring the absolute levels of public opinion within the respective states, but rather the differences in public opinion between the states.

Finally, to analyze commercial interests, this study will consider the type and extent of business activities from Norway and Sweden in the territory of Western Sahara as an indicator. This data will be collected for Sweden and Norway from the international group Western Sahara Resource Watch (WSRW) and the Norwegian Support Committee for Western Sahara (NSCWS) respectively (Støttekomiteen for Vest-Sahara 2020; WSRW 2017).

Analysis

Western Sahara has a history of being exploited by foreign powers. Prior to 1975, Western Sahara was under Spanish colonial rule, and after 1975, Morocco effectively annexed the territory and has continued this exploitation. Today, Morocco occupies and controls about 80% of the territory of Western Sahara, while the remaining 20% is governed by the Polisario Front (Fernández-Molina & Ojeda-García 2020). The Moroccan activity in the territory, ranging from mere presence to human rights violations, has been established as illegal through numerous international court rulings (Allan 2016; Fernández-Molina & Ojeda-García 2020).

The involvement of third parties in the territory of Western Sahara has been going on for decades. Certain states have a clear economic and political motivation to do so. Both Spain and France have a colonial history in the region, in Western Sahara and Morocco respectively (Fernández-Molina & Ojeda-García 2020). This has facilitated a continued involvement in the territory largely to the benefit of Morocco. Most recently, Great Power involvement in Western Sahara was seen with U.S. recognition of Moroccan sovereignty over Western Sahara (U.S. Embassy Rabat 2020). While these states have the most notable involvement in the territory, smaller states are also involved. Norway and Sweden are two smaller states with less international pull than those mentioned above. They share a range of similar characteristics, even being one conjoined state before Norway successfully and peacefully seceded from Sweden in 1905. The culture, history, traditions, language, politics, and economies are relatively similar (Heinze 2018). However, they differ in their position on involvement in Western Sahara. The following sections will attempt to identify the causal mechanisms that have led to this outcome.

Norway and Sweden have adopted different policies on involvement in Western Sahara. Since 2007, the Norwegian government has employed a precautionary attitude towards Western Sahara. This includes an official dissuasion towards trade, investments, resource exploitation, and other forms of commerce that are not in line with the interests of the local population and in violation of international law. Furthermore, the Norwegian position is in line with and supports the decisions and resolutions put forward by the UN Security Council. While this is simply a dissuasion and is not legally binding, it puts forward a clear expectation by the Norwegian government about the behavior of Norwegian private actors (Søreide 2020a; Søreide 2020b). Norway is one of only two states in the world that has adopted such explicit advice against involvement in the territory of Western Sahara (Hagen and Pfeifer 2018).

Contrastingly, Sweden has not adopted a policy of dissuasion but does support the pursuit of self-determination for the Sahrawis. The Swedish government does consider the territory of Western Sahara to be separate from the state of Morocco (Linde 2020). Moreover, when mentioning the extraction of natural resources in Western Sahara, the Swedish government states that this should happen in line with international law and the interests of the population of Western Sahara (Linde 2020). However, the Swedish attitude towards Western Sahara has been of an ambivalent nature

during the last decade. The Swedish government was set to vote on Western Saharan recognition in 2012, together with Palestine. However, after recognizing Palestine as a state, the issue of Western Sahara was taken off the agenda, and eventually it became clear that the government no longer had any intentions of voting on this matter (Västsahara n.d.). In 2016, the Swedish Foreign Ministry found that the SADR does not fulfill the criteria put forward by international law to be considered a state (Linde 2020). They argued that most of Western Sahara is controlled by Morocco, that the Sahrawi population mostly does not live in the Polisario controlled areas, that the SADR does not exercise effective governance of the main part of the territory where the population lives, that the SADR is a government in exile, and that only about 40 states have recognized the SADR (Florén 2016). Consequently, voting on whether to recognize Western Sahara as a state became irrelevant and lost its salience. Hence, the Swedish government policies on Western Sahara falls short of an official dissuasion against involvement in Western Sahara, as seen in the case of Norway.

There may be many different explanations for what accounts for the difference between Norway and Sweden's involvement in Western Sahara. In order to attempt to establish some causal mechanisms, four variables are explored further: reputation, EU membership, public opinion, and commercial interests.

Reputation

The reputation of a state sets expectations for future behavior, making deviations possibly detrimental to future negotiations. It is beneficial for states to have a good reputation. This allows them to make credible commitments when entering international negotiations. States with good reputations have more to gain by investing in their reputation, as it provides them with more opportunities and as this conforms with external expectations. States with bad reputations are not expected to make reliable promises, and, consequently, the expectation that they would uphold their commitments is reduced. Hence the risk for states with good reputations in deviating from expectations and standards is higher than for those with bad reputations (Guzman 2006). However, distinguishing a good reputation from a bad one is inherently a subjective judgment introducing normative biases. What is considered good in one state may be considered bad in another. This paper will not make judgments about so-called good or bad reputations, rather it will distinguish between the different kinds of reputations Norway and Sweden have which have been influenced by their historical involvement in peace and war.

Norway has experience as a peace mediator and therefore, assuming that this is a role the state wants to maintain, it has an incentive to invest in its reputation in order to secure future roles as a peace mediator. Norway has played important roles in conflict mediation conflicts throughout the world. Most recently this was seen in peace negotiations between the Colombian government and FARC between 2012 and 2016. The role of peace promotion and mediation became an integral

part of Norway's foreign policy with the creation of a "Peace and Reconciliation Unit" within the Ministry of Foreign Affairs in 2002 (Skånland 2010). Norway's ostensible successes in negotiations in Guatemala, Mali, and Sri Lanka have contributed to Norway's image as a "peaceful nation capable of contributing substantially to the solution of global challenges" (Skånland 2010, 48). Certain features of the Norwegian state facilitate its role as a peace mediator. This includes "Norway's reputation as a trustworthy peace facilitator, the fact that Norway is not bound by the European Union's ban for interaction with any designated terrorist groups, and its financial resources and long-term commitment to peace" (Wilhelmsen and Fabra-Mata 2018). In order to secure future roles as a peace facilitator, Norway has to protect its reputation. Consequently, this would explain its stance on the dissuasion against involvement in Western Sahara, not to act in any way which legitimizes the Moroccan occupation of the territory. By portraying a commitment to the protection of human rights and the support of the Sahrawi cause for self-determination, Norway is keeping in line with international law and shows a commitment to it even when most other states do not. Therefore, if Norway was to deviate from its position as a peace mediator, reputational risks could follow. However, as the SADR has not received substantial international recognition as an independent state, and importantly, not by any Great Power (Coggins 2014; White 2015; Zunes 2015), this may explain why Norway has not moved to recognize the territory either as this could serve to destabilize international relations leaving the government only to promote policies of dissuasion. Thus, the Norwegian refusal to get involved in Western Sahara can be partially explained by the commitment to its reputation.

Although Sweden has abandoned its official neutrality position, it continues to behave as a neutral and non-aligned country. Sweden officially adopted a policy of neutrality in 1812, and effectively exercised this policy through the 20th century until it joined the EU in 1995 and the Nordic Defense Cooperation (NORDEFCO) in 2009. However, "Swedish neutrality, despite deeper European integration, had not disappeared because it was part of the basic beliefs in Swedish society" (Agius 2006, 182). While the policy of neutrality has been argued by some to represent an immoral position and of being a free rider (Löden 2012), Sweden has viewed neutrality as a form of independence (Agius 2006). Moreover, Sweden is not a member of NATO (although cooperation does take place) furthering the contemporary unofficial neutrality position. Hence, there is a lack of incentive as well as expectation for Sweden to take a strong stance on the conflict in Western Sahara. By employing a neutral position in regard to the conflict in Western Sahara, Sweden can continue its involvement in the territory. Taking a strong stance would counter the Swedish traditional position of neutrality. Based on past behavior (e.g., the recognition of Palestine), Sweden would only consider doing so if a large number of other states also did (Coggins 2014). Sweden is not a peace mediator and therefore has a weaker incentive to present itself as a frontrunner on the conflict in Western Sahara. This falls in line with Sweden's position as a neutral state and presents a possible explanation for its position on Western Sahara. Sweden does not have as high a reputational risk as Norway when it comes to its involvement in Western Sahara and, thus, the state may continue its involvement without international repercussions.

The role of state reputation provides a possible causal mechanism to explain Norway and Sweden's policies on involvement in Western Sahara. Norway's role as a peace mediator creates a reputational risk if they were to violate international law. However, Sweden lacks this international role and is known to employ a neutral position in the international community, hence their reputational risk of involvement in Western Sahara is low, and perhaps non-existent. Therefore, the hypothesis (H_1) that states' involvement in unrecognized states will decrease if the reputational risks increase is accepted. While the reputation of a state creates expectations about its future behavior, membership in IOs also contributes to expectations.

IOs and the European Union

IOs play an important role in influencing state behavior. The structure of these IOs will further influence this: supranational organizations such as the EU, in which states delegate decision-making power to a centralized structure, will exercise more influence on state behavior than intergovernmental organizations such as the UN. Both Norway and Sweden show a commitment to the decisions and resolutions put forward by the UN in regard to Western Sahara and argue that they streamline their actions with that of the UN (Linde 2021; Skogsrud 2011). While the EU does not have a monopoly on foreign policy, it does coordinate external policies through a range of instruments. These include the European External Action Service (EEAS), the European Neighborhood Policy (ENP), and the Common Foreign and Security Policy (CFSP). The difference in EU membership between Norway and Sweden influences the states' formation of foreign policy.

Norway's absence from the EU facilitates an independent policy on involvement in Western Sahara. As Norway is not a member of the EU, it is not bound by its decisions. Hence, the government is free to choose its own policy on involvement with Western Sahara. Hence, the role of the EU, or rather, the lack of its role, can provide an explanation to the Norwegian policy on involvement in Western Sahara.

However, it is worth noting that Norway is a European Economic Area (EEA) member, resulting in "*as close an EU association as is possible* for a nonmember" (Fossum 2019, 1). Consequently, when assessing the hypothesis (H_2), it is with caution, as Norway may not be the preferred or ideal state to examine this issue. This is illustrated by the fact that Norway incorporates about 75% of all EU laws and regulations due to its extensive cooperation with the organization (Fossum 2019). Nevertheless, the CFSP is not part of the EEA agreement (EFTA n.d.). Therefore, it is still valuable to examine the role of the EU in regard to Norway.

Swedish membership in the EU aligns its foreign policy with a common EU policy on involvement in Western Sahara. While the EU does not have a monopoly on the foreign policy of its member states, being part of the EU implicitly signals support of the external policies and actions of the EU according to liberal and communitarian explanations of compliance (Koh 1999). The CFSP of the EU was created in order to combat violations of international law and human rights through the use of sanctions. The CFSP states that "[t]o influence policies violating international law or human rights, or policies disrespectful of the rule of law or democratic principles, the EU has designed sanctions of a diplomatic or economic nature" (EEAS 2019). However, no sanctions of any nature have been employed against the Moroccan regime for its occupation and human rights violations in Western Sahara (WSRW 2017). Therefore, aligning foreign policies of EU member states in the case of Western Sahara and Morocco does not include standing up for the Sahrawis' right to self-determination or a referendum. Consequently, as the EU is not actively standing up for the Sahrawis, the Swedish foreign policy aligned with that of the EU will also reflect that. Hence, Swedish EU membership reflects its freedom to engage with Western Sahara.

In regard to Sweden and the EU's relations with Morocco, a paradox arises. The geographical scope of the EU-Morocco sustainable fisheries partnership agreement (FPA), first signed in 2005, is contested. Since its creation, it has included the waters off the coast of Western Sahara, violating the laws of the Permanent Sovereignty over Natural Resources. In 2012, when the FPA was up for renewal, Sweden was one of the few governments in the EU that spoke up about the problems surrounding it. This coincided with Sweden's initial vote on whether to recognize Western Sahara as a state and their focus on non-involvement. In 2016, the CJEU concluded a ruling on the association agreement between the EU and Morocco, stating that it was not applicable to the waters adjacent to Western Sahara (CJEU 2018). This was the same year as it became clear that the Swedish parliament would not vote on the matter of recognizing Western Sahara and also that the Swedish government would not recognize it. At this point in time, Sweden had moved away from pushing for non-involvement in Western Sahara, and rather back to a status-quo position. While a 2018 CJEU ruling, concerning the FPA, ruled that it "is valid in so far as it is not applicable to Western Sahara and to its adjacent waters" (CJEU 2018), other EU institutions constantly argue against their own CJEU and adopt this agreement which includes the waters outside Western Sahara. This agreement was renewed in 2019 for a 4-year period (Council of the EU 2019). While the CJEU confirmed the invalidity of the FPA in Western Sahara territory, Sweden changed its position to that of the rest of the EU in drawing up a new deal with Morocco that would include Western Sahara (WSRW 2017). Hence, the position of EU institutions (except from the CJEU) on agreements with Morocco has facilitated Sweden's continued involvement in Western Sahara.

Membership in the EU can explain the differences in involvement in Western Sahara between Norway and Sweden. Norway's lack of membership facilitates the state to conduct an independent foreign policy. Contrastingly, Sweden's membership promotes an alignment of foreign policy with that of the EU. Hence, the hypothesis (H_2) that states' involvement in unrecognized states will

increase if IOs' policies of dissuasion on involvement in unrecognized states decrease is supported. So far, the role of governmental issues and institutions has been considered. While this certainly is central to explaining differences between state involvement in unrecognized states, the public also influences this.

Public opinion

In representative democracies, public opinion is a cornerstone (Dahl 1971). Democracy is made to respond to the opinions of the public, known as policy responsiveness. Consequently, if there is something the public opposes, the government should be responsive to this concern. Certain issues will raise more attention and concern with the public than others, and in some cases, advocacy groups are formed in order to spread information about an issue and bring about change. In the case of Western Sahara, such advocacy groups have been formed in both Norway and Sweden: the NSCWS and the Swedish Western Sahara Committee (SWSC). While the creation of these groups represents a concern about the conflict in Western Sahara, the two groups differ in their achievements.

The NSCWS has been successful in influencing governmental and private decisions on involvement in Western Sahara. This group has four main activities: (1) "Investigating Morocco's commercial and political partners in upholding its illegal occupation", (2) "Supporting human rights defenders in the occupied territories and finding ways to denounce and challenge Morocco's human rights violations in the territory under occupation", (3) "Campaigning for increased humanitarian aid to the refugee camps in Algeria", and (4) "Raising awareness around the conflict" (Støttekomiteen for Vest-Sahara n.d.). While the NSCWS does not state clear goals, the organization's success can be observed in other ways. Firstly, in parliamentary debates on the topic of Western Sahara members of parliament have referenced the group and stressed its importance. Åsmund Aukrust, a member of the Norwegian parliament, thanked the Support Committee for Western Sahara for their important work (Stortinget 2019). Secondly, the group consistently pressures companies and other actors by exposing their activities in the region as support for the Moroccan occupation. This has led numerous companies to terminate their business in the territory after having the ethical and moral considerations pointed out to them. A 2020 report from the NSCWS states that there are no longer any Norwegian shipping companies involved in Western Sahara (Støttekomiteen for Vest-Sahara 2020). Hence, the public pressure on private actors to not trade in Western Sahara has been successful. Additionally, the public also puts pressure on the government. This has been reflected in criticisms of the vague terminology employed when talking about Western Sahara (Haugen 2013; Skogsrud 2011). The state oil pension fund has also disinvested from companies involved in Western Sahara (Skogsrud 2011). Therefore, the public attention to the issue and the pressure they assert on the authorities can help explain the Norwegian policy of dissuasion.

The SWSC has had little success in influencing governmental and private decisions on involvement in Western Sahara. The group's main goal is a free and independent Western Sahara. Some of the other tasks that the group is working towards include (1) the recognition of Western Sahara as a state by the Swedish government, (2) the implementation of the promised referendum, (3) terminating trade- and fishing agreements that include Western Saharan goods, (4) supporting the Sahrawis in the refugee camps, (5) supporting the Sahrawi people in Western Sahara and guard against human rights violations, and (6) spreading information and initiating debates (Svenska Västsaharakomittén n.d.). Similarly, to the Norwegian advocacy group, the goals and actions of the SWSC are ambiguous. However, comparing it to the actions of the Norwegian group sheds some light on its accomplishments, or lack thereof. Firstly, the group has never been mentioned in parliamentary debates on the topic of Western Sahara. This reflects a lack of salience of the conflict in Western Sahara in the Swedish government as well as among the public. Secondly, unlike the NSCWS, the SWSC is not actively pressuring Swedish private actors nor the Swedish government to terminate their actions in Western Sahara. Hence, there is less salience in public opinion on the Western Sahara conflict in Sweden than in Norway which may explain why Sweden lacks a policy of involvement in the territory.

In representative democracies, public opinion and advocacy groups can influence governmental policies. However, some are more successful than others. In Norway, the NSCWS has successfully deterred private actors from involvement in Western Sahara and shown their importance to the government. The Swedish equivalent, the SWSC has been less successful in raising awareness about Western Sahara and in influencing both public and private actors. Thus, the hypothesis (H_3) that states' involvement in unrecognized states will decrease if public opinion sympathizing with the territory increases is supported.

Commercial interests

Western Sahara presents a range of commercial opportunities for third parties. It being a territory of disputed governance without substantial international attention, allows companies and states to take advantage of the territory. While international law condemns involvement, IOs have not issued sanctions on goods from the territory (WSRW 2017). This portrays an ambiguous and noncohesive position on the issue, giving way to private actors to engage with the territory. The territory of Western Sahara is rich in fish stocks, phosphates, and sand as well as opportunities in renewable energy and agriculture. The first article under the UN General Assembly Resolution 1803 (XVII) holds that "The right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned" (General Assembly Resolution 1803). In the case of Western Sahara, this is not being upheld as the Sahrawis do not have access to their natural resources, and as Morocco is exporting neither in the interest of the national development nor for

the well-being of the Sahrawis. The consequences of this are dire as described by López-Ruiz and Grande-Gascón (2021):

> Despite the fact that no government recognizes Moroccan sovereignty over Western Sahara, business development around its natural resources can be seen as a de facto recognition of that sovereignty. Therefore, natural resources have a social importance in that they legitimize Morocco's position, both domestically and internationally. (7)

Economic factors and the commercial interests that Norway and Sweden have in Western Sahara can be both a cause and an effect of the policies of involvement of the respective states. Two Norwegian insurance companies are involved in Western Sahara, having insured 5 of the 19 vessels that in 2019 transported phosphates out of Western Sahara (Støttekomiteen for Vest-Sahara 2020). However, in the past decades, a number of Norwegian private actors have terminated their business in Western Sahara, hence there is a decline of commercial activity by Norway in the territory. This might be a consequence of the Norwegian dissuasion towards trade and investments, but it also might have facilitated the adoption of this policy.

Sweden is more commercially involved in Western Sahara than Norway. The WSRW has published two reports on the Swedish involvement in the territory. This shows extensive involvement in the field of tourism, fishing, transportation of fuel, and phosphate extraction (WSRW 2017). These economic interests might have kept the government from pursuing an official dissuasion of business activities in the territory, or the lack of policies against involvement might explain why Swedish private actors continue to pursue commercial activities in the territory.

The variation observed between Norway and Sweden and their commercial involvement in Western Sahara might have facilitated the states to adopt their respective policies on involvement in Western Sahara. However, the commercial interests and involvement we see today might also be a consequence of the policies adopted. Therefore, the hypothesis (H_4) that states' involvement in unrecognized states will increase if commercial interests increase is neither accepted nor rejected.

Conclusion

This article has examined what can explain differences in state involvement in unrecognized states. Looking into the difference between Norway and Sweden's involvement in Western Sahara, this paper has found that this can be explained by the role of reputation, membership in IOs, and public opinion in the respective countries. Norway's reputation as a peace mediator incentivizes the government to invest in the values this reputation is associated with, such as human rights, justice, and peace. Sweden's reputation as a neutral state creates fewer expectations for it to be a frontrunner in the conflict in Western Sahara. Norway's non-membership in the EU facilitates the

creation of an independent foreign policy, while Sweden's membership in the EU aligns Sweden's foreign policy with that of the EU. In Norway, there is public pressure on private actors and the government mainly by the NSCWS, while the SWSC asserts less pressure resulting in less public salience around the conflict in Western Sahara. However, the final hypothesis regarding commercial interests is neither accepted nor rejected as it can both be considered a cause and an effect of the state policies on involvement in Western Sahara.

There are some limitations worth discussing in this paper. Firstly, the analysis conducted is highly case-specific, thus making generalizations based on the findings to similar cases challenging. As Western Sahara is a deviant case within the population of cases of unrecognized states, it might qualify better as an occupied territory. Consequently, the findings of this research might be more generalizable to other occupied territories than to unrecognized states. Secondly, the variables investigated in this paper are of importance when answering the research question. Yet, this study cannot discount other variables that also could explain this outcome. The conflict in Western Sahara is complex, and consequently, state responses will also be influenced by a range of intertwined and complicated factors. Next, there is a possibility that reverse causality may influence the findings of this research. While this study has assumed that a state may change their policies about Western Sahara if the EU terminates its involvement in the territory, it might also be plausible that the EU terminates involvement as member states adopt more favorable attitudes towards Western Sahara. This presents an area in which additional research may explore in order to address the possibility of reverse causality. While this paper has attempted to explain the differences in state involvement in unrecognized states, it merely presents an introductory investigation.

Whereas this paper has focused on what can explain differences in state involvement in unrecognized states, it has also shed light on other topics that are in need of further investigation. This study compared the influence of EU decisions on the making of Norwegian and Swedish foreign policy. However, as mentioned earlier, Norway has inherent limitations as a case when assessing this hypothesis due to its extensive cooperation with the EU. Hence, this hypothesis should be applied to states with limited or non-existent relations with the EU. Importantly, the effect that the CJEU rulings have on other EU institutions should be considered and evaluated. Additionally, the influence that the presence of commercial interests in a contested territory has on the involvement of other states as well as the formation of state policies on involvement is of scholarly interest.

The contributions of this research add to the identified gap in the literature on the involvement of state and private actors in unrecognized states. More specifically, this study takes into account relevant cases and perspectives that have not been extensively documented in previous literature.

Subsequently, the findings presented are valuable to the scholarly literature on both state involvement in unrecognized states and in occupied territories.

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Organizing Civil Resistance – Understanding the Effects and Dynamics of Organizational Structures on the Outcome of Civil Resistance Campaigns

Lars Heuver

Abstract

The use of nonviolent tactics has become the most common way to achieve change. The field of civil resistance has been predominantly focused on the dynamics related to the outcome, however, surprisingly little or no attention has been given to organizational structures that shape these dynamics. This paper will try to fill this research gap by combining insights from organizational science, social movement studies, and civil resistance literature. The research question that is posed is: *What is the effect of the organizational structure on the outcome of civil resistance campaigns?* Research from organizational sciences argues that organizational structures, forms of action, and type of goals mutually influence each other in a dynamic and on-going process. Drawn from prior research, a theoretical typology is introduced with different types of structures that affect critical factors that influence the outcome of civil resistance campaigns: mass mobilization, loyalty shifts, tactical diversity, and resilience. The study showed that organizational structures affect the outcome of civil resistance campaigns in several ways. However, the main findings that were expected to be found did not yield significant evidence, as such the formulated hypothesis can ultimately be rejected. The results of the quantitative analysis show that the odds of success are 2.16 times larger in campaigns with formal organizational structures compared to informal structures, and the odds of success are 28.0 times larger in cases with centralized structures compared to clustered structures. Overall, centralized structures have the highest odds of success. This new insight has practical implications on how civil resistance campaigns should organize to achieve change and provides fertile ground for exciting new research and the answering of newly arisen questions.

Key words: Civil resistance, campaigns, organizational structures, nonviolent tactics, collective action.

Introduction

The use of nonviolent tactics has become the most common way to achieve change. Before the 1970s, armed conflict was the primary method used by revolutionary groups that wanted to change regimes, policies, gain independence or achieve secession. Over the past two decades, there have been more civil resistance campaigns than during the entire twentieth century (Chenoweth 2021).

Inspired by the actions of Gandhi in India's struggle for independence, the study of civil resistance campaigns has burgeoned in recent years. Instead of focusing on civil resistance as

merely a moral tactic, civil resistance can best be described as “a theory of political power, a moral ideology, a strategy, and a technique for turning state repression to a movement’s advantage” (Nepstad 2013, 590). There are many examples of successful civil resistance campaigns in the past: India’s independence movement, the People Power Revolution in the Philippines, and the Arab Spring uprisings, just to name a few. At the time of writing, people are rising in Hong Kong, Belarus, Lebanon, and Thailand to create change. Some campaigns have charismatic leaders that publicly lead the people in strikes and demonstrations, while others are leaderless. Within the field of civil resistance, the focus has been on the dynamics related to the outcomes of nonviolent campaigns. About the type of organizational structures and their effectiveness, however, is "no general consensus, yet” (Chenoweth 2021, 121).

The aim of this paper is to fill this research gap and to make a first attempt to test if different organizational structures can affect the outcome of civil resistance campaigns. The research question that is posed is: What is the effect of the organizational structure on the outcome of civil resistance campaigns?

This paper will focus on type of relations between entities within civil resistance campaigns. It will combine theories and insights from organizational science, social movement studies, and civil resistance literature. These fields have much in common and can offer complementary insight into the dynamics of collective action. However, little cross-fertilization has taken place as they have developed in parallel, but in different directions and have stayed largely disconnected. (Nepstad 2013; Davis et al. 2005). The main purpose of this study is to gain knowledge on how civil resistance campaigns could organize themselves. In addition, to theories and to test the impact organizational structures might have on the outcome of the campaigns.

Previous research on civil resistance has identified four factors that affect the outcome of civil resistance campaigns: mass mobilization, loyalty shifts, tactical diversity, and resilience. Research from organizational sciences argues that organizational structures, forms of action, and type of goals mutually influence each other in a dynamic and on-going process (Willems & Jegers, 2012, 1). Based on insights from organizational science and social movement studies a theoretical typology is created, proposing a four-fold classification system based on two relational characteristics. These relational characteristics are (1) the extent to which relations are either formal or informal, and (2) the extent to which the relations are hierarchical or lateral. Based on these two characteristics, a distinction is made between four quadrants with four different types of structures. It is argued that organizational structure can affect mass mobilization, shifting loyalties, tactical diversity, and resilience, and can, therewith, directly (or indirectly) influence the outcome. Two hypotheses are formulated and tested: 1) Informal organizational structures have a higher likelihood to generate a successful outcome than formal structures, and 2) Clustered organizational structures have a higher likelihood to generate a successful outcome than centralized structures.

In order to test the hypotheses and answer the research question, this paper will apply a quantitative research approach. For the quantitative analysis a new dataset will be constructed, and a chi-squared test and logistic regression model will be used to test the hypothesis. This approach

is used to understand the potential relationship between the independent variable and the dependent variable.

Literature Review

Before discussing the factors that are associated with the outcome of civil resistant campaigns, it is important to discuss what power is and how it is defined to address the underlying assumptions. Sharp theorized that political power emerges from the interaction of all or several sources of power: authority, human resources, skills and knowledge, intangible factors, material resources, and sanctions (1990, 4). He states that the rulers' power "depends intimately upon the obedience and cooperation of the governed" and if those who are ruled "are withdrawing the general agreement, or group consent" it results in loss of authority and "sets in motion the disintegration of the rulers' power" (Sharp 1990, 4). In this sense, power is not fixed, stable or concentrated, but based on legitimacy and consent from those who are ruled. Oftentimes, this form of power is visually presented in the form of a temple. The population at the bottom express their power not individually or directly, but through institutions and organizations. These institutions and organizations, such as the military, business elites, civil servants, state media, and the police, are called the pillars of support. These pillars form the basis for those in power on the top. The goal of a nonviolent campaign, as Nepstad argues, is, therefore, strategically and "systematically withdrawing these power sources until a regime can no longer function" (2013, 592).

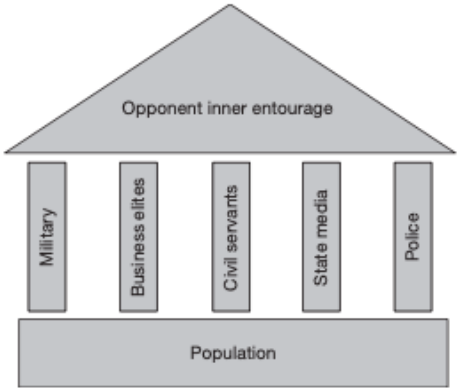


Figure 1: Pillars of Support (Chenoweth 2021, 102)

Four factors can be identified in civil resistance literature that are critical in explaining the success or failure of campaigns. These factors are 1) mass mobilization (and leverage), 2) shifting loyalties, 3) tactical diversity, and 4) resilience (Chenoweth 2021, 83-89). Let's look at each in turn.

Mass Mobilization and Leverage

Mobilization refers to the process of acquiring resources, people, and support for a campaign (Schock 2013, 282). It has been proven by numerous civil resistance researchers that the scale and

range of popular participation increases the likelihood of success. As Chenoweth explains: "mass participation seriously disrupts the status quo; makes continued repression impossible to sustain; prompts defections from its opponent's institutions and supporters, including, often, the security forces; and constrains the power holder's options" (2021, 83). High levels and more diverse participation lead to a higher degree of leverage. Leverage is defined as the capacity to cut-off, or influence, the sources of power upon which the opponent depends, both directly or through allies (Schock 2013, 283). Diverse and mass participation will enhance the capacity of nonviolent campaigns to withdraw the source of the rulers' power and crumble its legitimacy.

Chenoweth and Stephan argue convincingly in *Why Civil Resistance Works* (2011) that nonviolent campaigns have a participation advantage in comparison to violent campaigns when it comes to mass mobilization because of lower moral, physical, informational, and commitment barriers. Not only does mass participation increase the leverage, but it also enhances the level of resilience, results in higher probabilities of tactical innovation, and increases the likelihood of loyalty shifts (Chenoweth & Stephan 2011).

Shifting Loyalties

The ability of campaigns to shift the loyalties of those people or groups within the opponent's pillars of support is linked to higher likelihood of success. Building on the aspect of mass mobilization, it has been argued by civil resistance researchers that the broader and more diverse a campaign, the higher the chances are that the campaign touches on aspects and/or represent the full range of society, linking the campaign to members or parts of the opposition via kinship ties or social networks (Chenoweth 2021, 85; Chenoweth & Stephan 2011). Being connected to different groups of society leads to more diversity within the campaign and allows the campaign to rely on the resources, tactics, and strategies of different groups. This is turn leads to tactical diversity.

Tactical Diversity

Nonviolent campaigns that employ creative, new, and unexpected tactics are more likely to succeed than campaigns that rely only on a limited number of methods of resistance. Campaigns that can draw support from different societal groups are more likely to develop more diverse methods of resistance to build and maintain momentum, while campaigns that are not become more predictable (Chenoweth & Stephan 2011; Chenoweth 2021, 87). Schock argues that "the more diverse the tactics and methods implemented, the more diffuse the state's repressive operations become, thus potentially lessening their effectiveness" (2005, 51). He identifies specific types of tactical diversity: shifting between methods of concentration (large number of people in public spaces) and methods of dispersion (acts of resistance spread out over a wide area) (Schock 2005, 51). In addition, Sharp (1990) makes a distinction between three categories of nonviolent action: methods of protest and persuasion, methods of non-cooperation, and methods of nonviolent intervention. Each category includes a variety of actions that campaigns can use to change social,

economic, or political relationships which can alter the balance of power (Sharp 1990, 10). When campaigns can shift between tactics, the level of resilience is higher.

Resilience

Resilience is defined by Schock (2013) as "the ability of a challenger to withstand and recover from repression; that is, to sustain a campaign despite the actions of opponents aimed at constraining or inhibiting their activities" (283). Resilience is considered important when the campaign is met with violent repression from the rulers' regime, especially in order for backfire (the phenomenon also known as 'political jiu-jitsu') to happen, and therewith, increasing the likelihood of a successful outcome. Successful campaigns are able to continue despite regime repression. Another crucial aspect is nonviolent discipline, the strict adherence to nonviolent methods of action. By adhering to nonviolent action only, the outrage will be greater as violence against the campaign will be widely seen as unfair, indiscriminate, and unjustified, and as a result the regime will lose its credibility and legitimacy (Martin 2015, 159).

It can be observed that diversity is an element that seems to be important in several ways. First, since the level of diversity is intimately linked or even intertwined with three factors that are important in shaping the outcome of a civil resistance campaign, it can be argued that it should be considered a crucial factor as well. Second, diversity in terms of tactics. The more diverse tactics a campaign has at its disposal, the less predictable it will be and, therefore, more difficult to repress by the regime. Third, a more diverse campaign is able to mobilize a broad range of individuals, groups, and societal actors. It is easier for a campaign to generate mass mobilization with a broader support base. Fourth, with a more diverse support base, the chances of linking the campaign to members or parts of the opposition via kinship ties or social networks are higher, increasing the campaigns' leverage and the likelihood of loyalty shifts taking place.

Organizational Structure

Research from organizational sciences argues that organizational structures, forms of action and type of goals mutually influence each other in a dynamic and on-going process (Willems & Jegers, 2012, 1). Although civil resistance literature has provided several explanations related to campaign outcomes and important dynamics that affect this, surprisingly little or no attention has been given to organizational structures that shape these dynamics, with only few exceptions. With the analysis of the Palestinian National Movement, Pearlman (2011) is one of these exceptions. In her study, she points at an important dimension of organizational structure, namely the degree to which a campaign is either cohesive or fragmented (8). She argues that the degree of cohesion affects the probability of a campaign's success and the form that collective action can or is likely to take. Her argument is that internal cohesion, on the one hand, increases the possibility of nonviolent methods of action because it 1) facilitates mass mobilization, 2) is important to maintain discipline, and 3) it improves the ability to devise and implement a coherent strategy.

Fragmentation, on the other hand, gives rise to dynamics that more likely will result in violent methods of action because 1) it allows different groups in a campaign to use force and pursue their own agenda apart from collective goals, 2) weakens constraints on escalation, and 3) it invites outside interference into a campaign which can encourage more fragmentation and increases the use of violence (Pearlman 2011, 10-20). Another example is the assessment of coalitions in social movements by Gawerc (2020). Coalitions are defined as "temporary, means oriented, alliances among (different) individuals or groups which differ in goals" (Gamson 1961, 374 in Brooker & Meyer 2019, 253). Although this analysis is focused on coalitions as tactical tool for social movements, it also applies to civil resistance campaigns. Scholarly literature on civil resistance discusses the benefits of coalitions, but, curiously, has little to say about the challenges of building coalitions (Gawerc 2020, 2). Benefits of coalitions include 1) drawing in new audiences and building a broader movement, 2) enhancing political leverage through scope enlargement, 3) making more powerful statements, 4) bridging division in society, 5) fostering innovation and creativity, which relate to 6) strategic advantages. Diversity in coalitions make it difficult to form and sustain organizational connections, to create a collective identity, and complicates the process of creating a common agenda, tactical agreement, and a shared framing strategy (ibid., 2-9).

These examples provide some valuable insights into important dimensions of organizational structures of civil resistance campaigns. However, it is still unclear how civil resistance campaigns can establish cohesion or how they can overcome challenges related to coalitions. What becomes clear is the importance of understanding the relationship between different actors involved.

Theory and Hypotheses

Research on organizational structures of social movements tends to focus on structures of formalized components of social movement organizations (SMOs), thereby neglecting or missing the dynamics within social movements (Willems & Jegers 2012, 67). This research from organizational sciences argues that organizational structures, forms of action, and type of goals mutually influence each other in a dynamic and on-going process (Willems & Jegers, 2012, 1). Willems & Jegers (2012) define a movement structure as "a system of relations between different entities within a movement" in order to gain insight into the relational characteristics within movements and the inter-movement dynamics (68). They define entities as "individuals, organizations, groups of people, or even whole segments of society" (ibid., 68) and propose a four-fold classification system based on two relation characteristics: (1) the extent to which relations are either formal or informal and (2) the extent to which the relations are hierarchical or lateral.

The first continuous characteristic is concerned with the level of formality. Formal relations can be based on agreements, contracts, or partnerships, while informal relations are based on individual contacts, unwritten agreements, or cultural customs and habits (ibid., 69). Examples of organizations with formal relations include political parties and labor organizations. These organizations often exist for quite some time and have structures in place to coordinate tasks and

spread information. Examples of informal relations include family structures, student organizations and (local) communities.

The second continuous characteristic deals with the position of an entity within a campaign and the power that an entity has in comparison to another entity. In a hierarchical relation one entity has power and authority over another, either formally or informally. In a lateral relation each entity has the same or equal power as another (ibid., 70). Hierarchical relations are mainly centralized, while lateral relations mainly have a clustered structure.

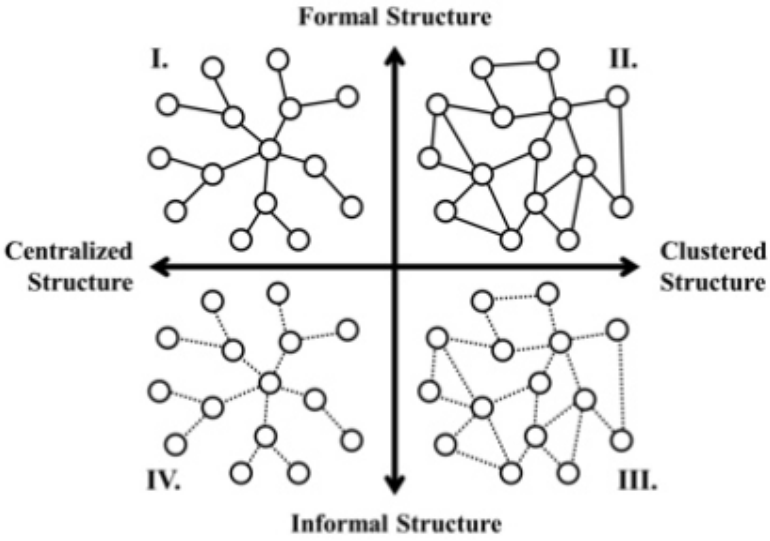


Figure 2: Typology of Organizational Structures (Willem & Jegers 2015, 71)

Another important element is the level of diversity. As discussed above, diversity is intimately connected to mass mobilization, loyalty shifts, and tactical diversity. While the two continuous characteristics deal with relations between different entities within a campaign, they do not provide insights into how these relations affect the level of diversity. To incorporate this into the typology, a model provided by Cox and Finley-Nickelson (1991) discussing acculturation for intra-organizational diversity is included. They define acculturation as "the process for addressing cultural differences and of cultural change and adaptation between groups" (91). They identify organizational factors as one of the determinants of the mode of acculturation. Two aspects are identified. First, the degree to which diversity is valued, and second, the organizational culture identity structures, which is the most important. Cox and Finley-Nickelson make a distinction between two types of organizational cultures, strong and weak, which characterizes the extent to which norms and values are defined and enforced (ibid., 96). They explain that with a weak culture, norms and values are ill-defined and are not or barely enforced. With a strong culture, norms and values are clearly defined and adherence is widespread. Strong cultures require conformity, but weak cultures, on the other hand, require less or no conformity (Ibid, 97). As a result, and in connection with the two continuous characteristics, it can be theorized that in campaigns with

clearly stated norms, values, and rules, that are strictly monitored, sanctioned, and enforced, individuals and/or groups are more likely to conform and, therefore, the level of diversity is low. Campaigns that lack clearly and publicly stated norms, values, and rules, which are not monitored, sanctioned, and enforced, or done so to a lesser extent, tend to have a higher level of diversity since conformity is not required.

Based on the discussion of previous research and the organizational structure, it is clear that the organizational structure and outcome of civil resistance campaigns are linked by the four factors that determine the outcome. As argued before, organizational structures can affect tactics and actions, and therefore they can directly (or indirectly) influence the outcome through mass mobilization (and leverage), shifting loyalties, tactical diversity, and resilience. The causal mechanism is shown in figure 3.

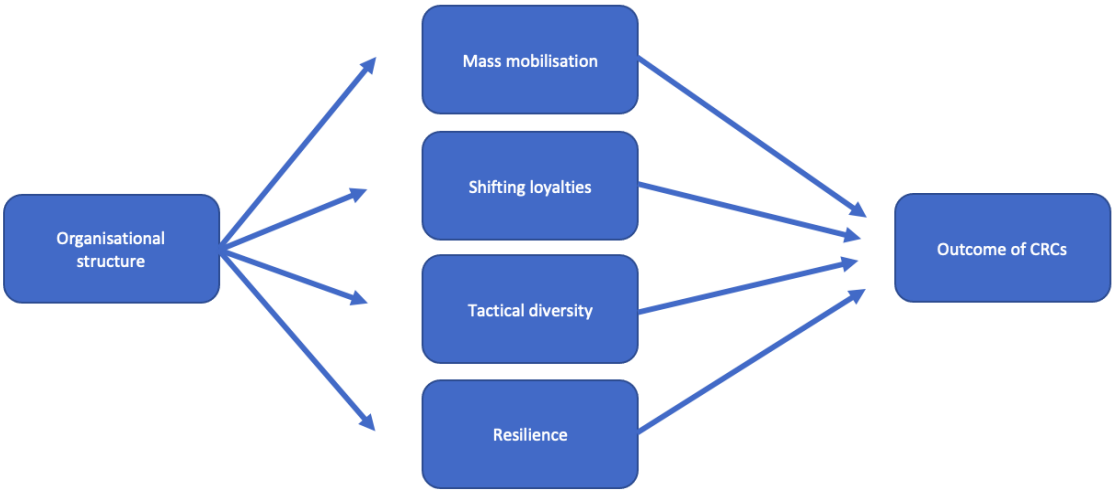


Figure 3: Causal mechanism

Based on the two characteristics introduced and with the addition of acculturation of diversity, a distinction can be made between four quadrants with different types of structures. This typology is a first attempt to understand how relational dynamics affect different aspects that determine a campaigns' outcome, but these organizational types should not be considered as fixed, and it is expected that there is variation on both continuums. Table 1 shows an overview of the typology and the theorized effect on the different type of relations between entities within a civil resistance campaign. For now, four types of organizational structures are identified. Let's look at each in turn.

Formal centralized structures tend to have a strong organizational culture with clearly stated norms and values. These norms and values are expected to be strictly enforced. As a result of this enforcement, individuals and/or groups are more likely to conform. The level of diversity is therefore low. Formal centralized structures also have a loyal support base. As a result, they are able to sustain their actions for a long period of time.

Formal	Informal	Centralized	Clustered
Unequal balance of power	*Equal* balance of power	Clear hierarchal structure	Different entities can coexist and function together
Relationships between entities established in several *formal* ways	Relationships between entities are *trust-based* and *flexible*	Visible leadership	Broad and relatively diverse base of support
Relatively *high* barriers for participation	Relatively *low* barriers for participation	High capacity for coordination and communication	Coordination and communication challenging

Table 1: Overview theoretical typology organizational structures

Formal clustered structures: although clustered structures tend to generate broader support, the formalization with a strong organizational culture and with clearly stated norms and values that are expected to be strictly enforced, creates a barrier for participation.

Informal clustered structures are expected to have a weak organizational culture, since norms and values are not explicitly and publicly formulated. These norms and values are barely or not monitored. Since conformity is not required, these structures tend to have a higher level of diversity.

Informal centralized structures tend to lead to a campaign which has a strong organizational culture and is more ideologically based. As a result, the barriers for participation are relatively high and levels of diversity relatively low.

From the discussion two hypotheses can be formulated and are as follows:

Hypothesis 1: Informal organizational structures have a higher likelihood to generate a successful outcome than formal structures.

Hypothesis 2: Clustered organizational structures have a higher likelihood to generate a successful outcome than centralized structures.

Methodology and Research Design

To test the hypotheses and answer the research question "What is the effect of the organizational structure on the outcome of civil resistance campaigns?", this paper will use a quantitative research method.

The analysis will test the hypotheses to understand whether the association between the type of organizational structure and the outcome is statistically significant. In doing so, covariation between the independent variable and the dependent variable can be established, and the first hurdle for inference can be crossed. The Chi-squared test for tabular association will be used. A Chi-squared analysis is used since the newly constructed dataset (discussed later) uses categorical variables. The test indicates whether the null hypothesis, i.e., no relationship between the organizational structure and the outcome of a civil resistance campaign, can be rejected and if there is insufficient evidence to reject the null hypothesis, or not (Kellstedt & Whitten 2013, 155). In addition, a logistic regression model will be included to show the effect of the predictors, i.e., formal or centralized relations within a civil resistance campaign and to establish which one is most important in predicting the outcome. A logistic regression model is used to predict a categorical dependent variable using a set of independent variables.

A quantitative approach is chosen for several reasons. First, a study on the relationship between organizational structures and the outcome of civil resistance campaign does not exist yet, therefore, testing the theorized model to find out whether there is a relationship is a good start. Second, there is enough data available to test the model introduced. By combining different datasets there is enough data to execute the initial test as a start for potential further research on the subject. The main goal is to test whether there is variation in the dependent variable that can be attributed to the independent variable. The advantage of using a quantitative approach is that the approach allows to test a theory and provides initial evidence to support or reject it. A potential weakness is that a quantitative approach does not provide insight into the mechanism linking the variables in case a relationship is established, but given the goal of the project, this aspect is expected to be further theorized and worked out in future research.

Dataset and Coding

For the analysis, this paper will use a newly constructed dataset that combines the information and variables of two existing datasets, the Revolutionary and Militant Organizations dataset (REVMOD) and the Nonviolent and Violent Campaigns and Outcomes data project 2.0 (NAVCO).

The REVMOD dataset contains over 500 resistance organizations that active between the years 1940 and 2014 and includes 60 variables (Acosta 2019). The added value of this dataset is that it has information concerning organizational elements and provides a more detailed distinction in terms of outcome achievement of a campaign. The NAVCO data project, on the other hand, is a very comprehensive dataset which contains yearly data on 250 violent and nonviolent campaigns (Chenoweth & Lewis 2013). The dataset makes a distinction between violent and nonviolent campaigns and has 47 variables. By combining the REVMOD and NAVCO dataset, the newly

constructed dataset incorporates the different focal points and information from both datasets, and it increases the confidence and the robustness of the data.

The new dataset is constructed in four steps (see Appendix 1) by using the statistical program R Studio. The result is a dataset (see Appendix II) that consists of 55 nonviolent campaigns in the period between 1953 and 2006 and includes 13 variables.

Operationalization

The independent variable is the organizational structure of civil resistance campaigns. The definition that will be used for civil resistance is the one that was formulated by Stephan and Chenoweth (2008). It is defined as "a civilian-based method used to wage conflict through social, psychological, economic, and political means without the threat or use of violence [and] it includes acts of omission, acts of commission, or a combination of both" (Stephan & Chenoweth 2008, 9). It contains a wide array of active methods and actions which move beyond the conventional political processes. Nonviolent resistance can be used to change governments and policies or to achieve territorial autonomy or secession (Butcher & Svensson 2016; Chenoweth & Cunningham 2013; Schock 2003). As stated before, four types of organizational structures are identified.

The distinction between 'Formal' and 'Informal' was based on the GNAB dataset. When a campaign was named by its members, groups officially and formally joined forces to organize a campaign, or if political parties, labor organizations or other types of formal organization were the drivers of the campaign, the campaign was defined as formal and coded as 1. If this was not the case, meaning no formal organizations were the driving forces of the campaign, the campaign was defined as informal and coded as 0.

The distinction between 'Centralized' and 'Clustered' was based on the variable political command in the REVMOD dataset and the variable campaign structure in the NAVCO dataset. These variables in the dataset correspond with the degree of control of the campaign. REVMOD measures this in a 20-point scale, where 0-12 indicates low levels of control and 13-20 high levels of control. The NAVCO dataset makes a distinction between consensus-based participatory campaign structure and hierarchical command and control campaign structure. When a campaign was coded 0-12 in the REVMOD dataset and as consensus-based in the NAVCO dataset, it was defined as clustered and coded as 0. If a campaign was coded 13-20 in the REVMOD dataset and as hierarchical based in the NAVCO dataset, it was defined as centralized and coded as 1. The combination of the two relational aspects resulted in four different organizational types. Formal centralized organizations were coded as 1, formal clustered organizations were coded as 2, informal clustered organizations were coded as 3, and informal centralized organizations were coded as 4 (see Appendix I for coding procedure).

The dependent variable is the outcome of a campaign. The outcome is based on the achievement outcome goal in the REVMOD dataset and success in the NAVCO dataset. The achievement of a campaign is linked to the stated goals. The REVMOD dataset makes a distinction between no success, partial success, and complete success, whereas the NAVCO dataset distinguishes between campaign outcome successful within one year of peak of activities and

otherwise. The outcome will be operationalized by using a categorical variable that measures no success and success, by combining the measures partial and complete success. This is done for the purpose of running a Chi-squared test. By doing so, this dataset makes no distinction between partial and complete success, but merely indicates that a campaign was successful to a certain degree. If the outcome was successful, it was coded as 1, when there was no success, it was coded as 0.

Another important aspect is to try to control for variables that otherwise might explain the variation in the dependent variable. These variables will be included in the quantitative analysis. The three variables that will be used as control variables are campaign goal, campaign duration, and regime type, which are also included in the dataset.

The first control variable is the goal of the campaign. According to Chenoweth and Stephan (2011), in their discussion regarding the effect of violent or nonviolent methods of resistance, they show that secessionist movements are the only exception where violent campaigns have performed better than nonviolent campaigns. No nonviolent secessionist campaign was successful, whereas only ten percent of violent secessionist campaigns achieved success.

Second, the duration of the campaign will be used as a control variable. According to Chenoweth and Stephan (2008), campaigns that last longer have increased chances of limited success (Chenoweth & Stephan 2008, 20).

The third control variable is the regime type of the adversary. According to Chenoweth & Ulfelder (2017), the political opportunity model performs best in explaining the onset of nonviolent campaigns. Political opportunity is linked to the structure of the state and the regime. They hypothesize that authoritarian regimes produce fewer opportunities to mobilize, therewith, decreasing the likelihood of success. Therefore, to control for this effect, the regime type is also included. The variable included in the dataset (regime type) is based on the variable in the REVMOD dataset measuring the level of democracy using the polity IV index. A distinction is made between democratic regimes and autocratic regimes.

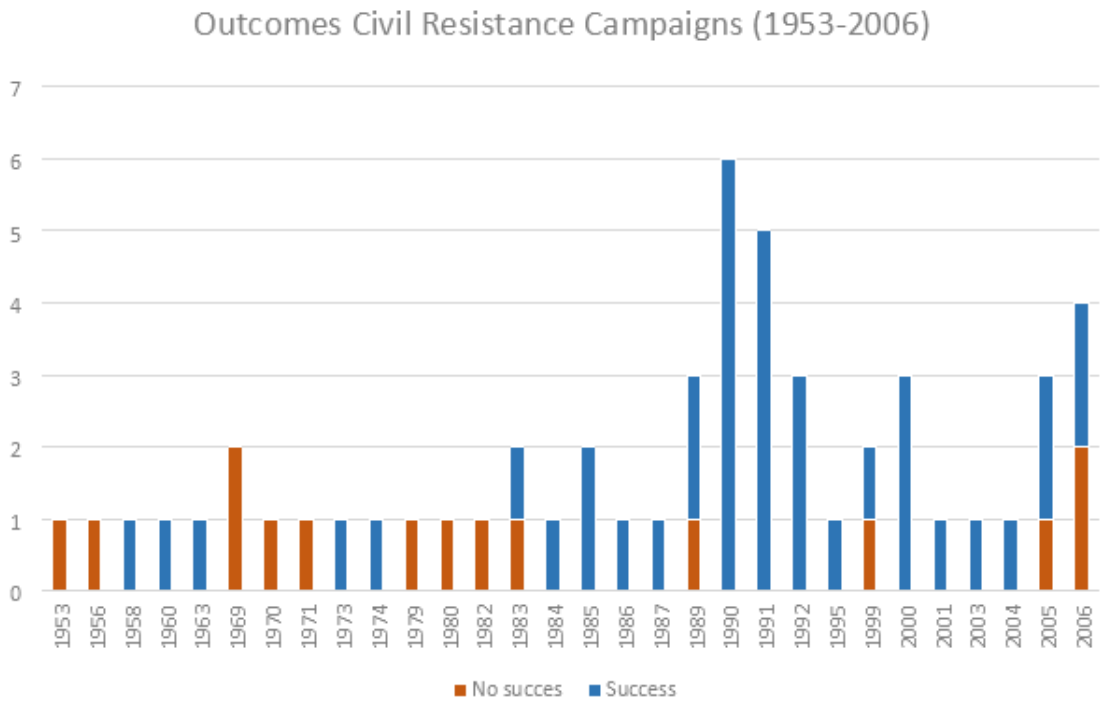
Analysis and Results

The dataset used for the statistical analysis consists of 55 nonviolent campaigns in the period between 1953 and 2006 and includes 13 variables. Graph 1 shows the number of ended campaigns per year and their outcome. Of these 55 campaigns, 39 achieved successes while 16 were not successful. The period between 1989 and 1992 shows an increase in the number of ended campaigns, which can be explained by the end of the Cold War and the disintegration of the Soviet Union. The graph also shows that after this period, most of the campaigns ended in success. To test the hypotheses, a Chi-squared test was executed. The results are discussed below.

Hypothesis 1: Informal organizational structures have a higher likelihood to generate a successful outcome than formal structures.

The Chi-squared test assessed whether the null hypothesis, no association between the type of organizational structure and the outcome, can be rejected or that there is insufficient evidence to

reject the null hypothesis. Table 2 shows the results of the cross-table of formal organizations and the outcome. Out of 55 campaigns, 37 (67.3 %) were coded as formal and 18 (32.7 %) were coded as informal. Of the 37 formal campaigns, 29 (78.4 %) were considered successful while 8 (22.2 %) had no success. Of the 18 informal campaigns, 8 (42.1 %) were unsuccessful while 10 (55.6 %) generated success. The cross-table shows that more than three quarters of campaigns with a formal organizational structure generated success, whereas about half of the campaigns with an informal organizational structure were able to achieve success.



Graph 1: Outcomes civil resistance campaigns (1953-2006)

The Pearson's chi-squared test shows whether the null hypothesis can be rejected or not. The null hypothesis states that there is no association between formal organization and the outcome. The results show that the p-value is 0.08 and is larger than 0.05 (95 % confidence level). Another interpretation is the Chi-squared value. The Chi-squared value in this test is 3.057 and the degree of freedom is 1. To reject the null hypothesis, the Chi-squared value needs to be larger than the critical value. The critical value with a degree of freedom of 1 at a 95 % confidence level is 3.841 (Kellstedt & Whitten 2013, 295). Since the value is smaller than the critical value, the null hypothesis cannot be rejected. The results indicate that there is not enough evidence to suggest an association between formal organization and the outcome. This result suggests that hypothesis 1 can be rejected.

Hypothesis 2: Clustered organizational structures have a higher likelihood to generate a successful outcome than centralized structures.

Table 3 shows the results of the cross-table of centralized organizations and the outcome. Organizations that were defined as centralized were coded as 1, organizations that were defined as clustered were coded as 0. If the outcome was successful, it was coded as 1, when there was no success, it was coded as 0. Out of a total of 55 campaigns, 22 (40 %) were coded as centralized and 33 (60 %) were coded as clustered. Of the 22 centralized campaigns, 21 (95.5 %) were considered successful, while 1 (4.5 %) had no success. Of the 33 clustered campaigns, 15 (45.5 %) were unsuccessful while 18 (54.5 %) generated success. The cross-table shows that all except one of the campaigns with a centralized organizational structure generated success, whereas barely half of the campaigns with a clustered organizational structure were able to generate success.

Outcome	*Informal 0*	*Formal 1*	*Row total*
0	8	8	16
No success	0.421	0.222	
1	10	29	39
Success	0.556	0.784	
	18	37	55
Column total	0.327	0.673	

Statistics for All Table Factors

Pearson's Chi-squared test

Chi^2 = 3.057673 d.f. = 1 p = 0.08035667

Pearson's Chi-squared test with Yates' continuity correction

Chi^2 = 2.051363 d.f. = 1 p = 0.15207

Table 2: Chi-squared test formal organizational structure

The null hypothesis states that there is no association between centralized organization and the outcome. The result shows that the p-value is 0.002, which is smaller than 0.05 (95 % confidence

level). The chi-squared value is 10.709 and the degree of freedom is 1. To reject the null hypothesis, the chi-squared value needs to be larger than the critical value. The critical value with a degree of freedom of 1 at a 95 % confidence level is 3.841 (Kellstedt & Whitten 2013, 295). Since the value is larger than the critical value, the null hypothesis can be rejected. The results indicates that it can be concluded that there is an association between centralized organization and the outcome, and the association is statistically significant. This result suggests that hypothesis 2 can be rejected.

Outcome	*Clustered 0*	*Centralized 1*	*Row total*
0	15	1	16
No success	0.455	0.045	
1	18	21	39
Success	0.545	0.955	
	33	22	55
Column total	0.600	0.400	

Statistics for All Table Factors

Pearson's Chi-squared test

Chi^2 = 10.70913 d.f. = 1 p = 0.001066079

Pearson's Chi-squared test with Yates' continuity correction

Chi^2 = 8.817775 d.f. = 1 p = 0.002983102

Table 3: Chi-squared test centralized organizational structure

Table 4 shows the cross-table for the organizational structures and the outcome. A total of 16 out of 55 campaigns (29.1 %) are characterized as formal and centralized. Of those 16, 15 campaigns (93.8%) have achieved success. All except one have achieved success. 22 campaigns (40.0 %) are defined as formal and clustered, and of those 22 campaigns just over two thirds have achieved success (68.2 %). 11 out of 55 campaigns (21.8 %) are considered informal and clustered. Of those

campaigns, only 3 achieved success (27.3 %) and 8 (72.7 %) did not. A total of 6 (10.9 %) out of 55 campaigns were defined as informal and centralized, of which all achieved success.

Outcome	*Formal Centralized*	*Formal Clustered*	*Informal Clustered*	*Informal Centralized*	*Row total*
0 No success	1 0.062	7 0.318	8 0.727	0 0.000	16
1 Success	15 0.938	15 0.682	3 0.273	6 1.000	39
Column total	16 0.291	22 0.400	11 0.218	6 0.109	55

Statistics for All Table Factors

Pearson's Chi-squared test

Chi^2 = 16.74129 d.f. = 3 p = 0.0007988187

Table 4: Cross-table organisational structures

Term	*Odds*	*Std. error*	*Statistic*	*p. value*
Formal	2.16	1.65	0.802	0.338
Centralized	28.0	1.23	2.70	0.00686
Campaign goal	0.240	0.698	-2.05	0.0406
Campaign duration	1.27	0.194	1.24	0.215
Regime type	1.86	1.35	0.460	0.646
(Intercept)	0.603	0.574	-0.883	0.377

Table 5: Logistic regression model organizational structure

Table 5 shows the result of a logistic regression model where the outcome (success) is predicted using the two sets of organizational structures (formal vs. informal and centralized vs clustered). This result is included to show the effect of the predictors, namely formal and centralized relations within a civil resistance campaign and to establish which one is most important in predicting the

outcome. A logistic regression model is used to predict a categorical dependent variable using a set of independent variables. The results show that the odds of success are 2.16 times larger in campaigns with formal organizational structures compared to informal structures, and the odds of success are 28.0 times larger in cases with centralized structures compared to clustered structures while controlling for campaign goal, campaign duration, and regime type. The effect of formal versus informal organizational structures, however, is not significantly different from zero. Therefore, it can be concluded that centralized versus clustered is the most important predictor of success. Overall, centralized campaigns have the highest odds of success. The results have shown that organizational structure does affect the outcome of civil resistance campaigns. However, the main findings that were expected to be observed did not yield significant evidence, as such the formulated hypotheses can ultimately be rejected. The unexpected results show that centralized organizational structures rather than the theorized clustered organizational structures were more likely to generate a successful outcome of civil resistance campaigns. This has several implications. First for the model presented in this paper. The model is focused on the aspect of diversity and mass participation, but the result of the quantitative analysis shows that centralized structures have more weight in generating a successful outcome. In the model it is theorized that centralized structures have a clear hierarchical structure, a visible leadership, and high capacity for coordination and communication. Based on the theory and the model, it can be hypothesized that unity, trust, and organizational capacity (coordination and communication) are important organizational elements. More qualitative research should focus on addressing these issues to find out the extent to which these organizational elements are important for civil resistance campaigns and what mechanisms are behind those. The second implication is therefore in relation to research. The results show great potential for new directions for research. Lastly, the findings of this paper present practical implications for civil resistance campaigns. It shows that hierarchy, unity, coordination, and communication – which are related to centralized structures – are very important for the outcome of civil resistance campaigns and should be included into campaigns.

Conclusion

This paper sought to answer the research question: What is the effect of the organizational structure on the outcome of civil resistance campaigns? After having conducted the analysis, the study has shown that the organizational structure does affect the outcome of civil resistance campaigns in several ways. However, the main findings that were expected to be observed did not yield significant evidence, as such the formulated hypotheses can ultimately be rejected.

The results of the statistical analysis showed that the odds of success are 2.16 times larger in campaigns with formal organizational structures compared to informal structures. However, this relationship was not statistically significant. The odds of success are 28.0 times larger in cases with centralized structures compared to clustered structures, and this result was statistically significant. Overall, centralized structures have the highest odds of success.

The two hypotheses stated, 1) informal organizational structures have a higher likelihood to generate a successful outcome than formal structures, and 2) clustered organizational structures

have a higher likelihood to generate a successful outcome than centralized structures, were both rejected. The unexpected results show that centralized organizational structures were more likely to generate a successful outcome of civil resistance campaigns than the theorized clustered organizational structures.

However, alternative explanations can be identified that affect the outcome of civil resistance campaigns. First, it could be argued that different types of organizational structures do not sufficiently explain the outcome of civil resistance campaigns since they do not affect the onset of these campaigns nor are they able to predict when and where nonviolent uprisings might take place. Second, and related to the previous explanation, one might state that organizational structures and their effects are dependent on the structural conditions in which a campaign arises. Civil resistance campaigns, and thus organizational structures, are limited in the way they can shape or alter structural conditions, such as poverty levels, economic conditions, the availability of resources, or the existing grievances.

Although this paper presents a first attempt to theorize about organizational structures of civil resistance campaigns and tests its impact, there are some limitations that cannot be discarded. A theoretical limitation lies in how the four critical factors relate to the outcome. In the theoretical model and causal mechanism, it is assumed that each factor has equal explanatory power. However, in reality the relative importance and effect of each factor might vary per campaign. The theoretical typology presents different organizational structures based on two continuums. But, given the availability of data, no scale score or degree of the level of formalization or centralization is discussed or presented. The levels of formalization and centralization are measured by using dichotomous measures, rather than a scale or degree. In reality there is variation in the degree to which an organization is formalized or centralized. For instance, student organizations are considered informal as opposed to political parties which are defined as formal. For the sake of the first attempt to test the hypotheses and to make a first attempt in understanding the effect of the organizational structure on the outcome of civil resistance campaigns, the distinctions are made using extremes and dichotomous measures.

In relation to data, there are limitations to combining the two datasets. It is important to evaluate the dataset and reflect on biases. In the process of creating the dataset, quite a number of potential campaigns were excluded, because of incomplete or lack of specific data, or because of scope conditions. As a result, there is potential for selection bias and underreporting bias. In addition, the author relied on two already established datasets, each with their own strengths, but also their limitations and biases. It is very difficult to overcome these limitations. By using different types of sources as addition to the datasets, it is possible to triangulate, increasing the confidence of the information provided and can limit potential bias and underreporting. Although the dataset is relatively small given the size of the two datasets used, for the goal of this paper it was sufficient; it provided robust results and the validity and reliability needed to test the hypotheses and answer the research question. As soon as additional and reliable data becomes available, it should be possible to make a more nuanced and fine-grained distinction. This will

improve the model and the understanding of the covariation between organizational structures and outcomes of civil resistance campaigns.

The goal for this paper was to theorize and make a first attempt to test the potential impact of different types of organizational structures on the outcome of civil resistance campaigns. Even though the findings did not support the expectations, offering a first glance at a model for different types of organizational structures and the outcome of civil resistance campaigns, and a confirmation of their covarying relationship, does allude to an achievement of this goal. This paper also provides fertile ground for exciting new research and the answering of newly arisen questions. What are the mechanisms that work behind the relationship between organizational types and the outcome of civil resistance campaigns? How do structural conditions affect the organizational structure adopted by civil resistance campaigns? What are the long-term effects of specific types of organizational structures? Do different types of organizational structure develop and change over time? And how do ICTs impact the organizational structure and mobilization process? These questions can be used to guide future research.

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The Position of the African Union Toward the Concept of Liberal Peace – a Qualitative Content Analysis

Antonia Rausch

Abstract
The global experiment of creating peace in post-conflict societies, mainly by the United Nations (UN), is at a crossroads. Parallel to an increasing peacebuilding architecture based on the Liberal Peace paradigm, a critical discourse in the field of International Relations arose and underlined the ineffectiveness and lack of such peace missions. Therefore, a shift from a western perspective to regional organizations must be made. Especially on the African continent the international attention on intervening in conflicts grew and shortcomings can be observed. Taking this into account, the paper answers the question: *Which position does the African Union take in the discourse about Liberal Peace and what does it mean for the peacebuilding practices on the African continent?* After operationalizing the Liberal Peace concept, a qualitative content analysis provides a systematic text analysis of fourteen relevant official documents that relate to the security and peace concept of the African Union. The results show that the African Union surprisingly has a supportive position towards the Liberal Peace paradigm in all the six analyzed key points: democratization, good governance, liberal development, human rights, the rule of law and free and globalized markets.

Key Words: Democratic peace, liberal peacebuilding, western norms, regional organizations, local turn

1. Introduction

"African solutions to African problems"?[1]

The global experiment of creating peace in post-conflict societies, originated by international organizations, mainly the United Nation Organization (UN), after the Cold War era, is at a crossroads (Paris 2011:31). Even though civil wars were not a new phenomenon on the African continent, for example Congo (1960-64) Nigeria (1967-70), Chad (1965-79), Angola (1975-2002), Mozambique (1975-94) and Sudan/Southern Sudan (1955-72), the international attention on intervening in conflicts grew (Tom 2017:1). The reason for this enhanced interest is a shift in conflict characteristics from a bipolar world system with interstate wars to a status quo of intrastate conflicts with a highly diverse constellation of actors that become a new threat to global security (Dupuy et al. 2016).

[1] 18 September 2008: slogan as response to western intervention in Somalia by political economist George Ayittey

Parallel to an increasing peacebuilding architecture that was based on the Liberal Peace paradigm, a critical discourse in the field of International Relations arouse from scientists who underlined the ineffectiveness and lack of legitimacy as a burden of peace missions (Chandler 2010:137, Pugh 2005:23-42, Richmond and MacGinty 2007, Paris 2011: 31). The analysis of peace missions like Angola (1992), Somalia (1993) or Rwanda (1994) served supportively for this development. David Chandler emphasizes a "lack of success" (Chandler 2010:137) that proves not only the insufficient implementation of democratic principles but also a destabilizing impact on post-conflict societies affected by these western-led[2] missions (Berdal 2009, Howard 2008, Fortna 2008). Therefore, critics conceptualize the Liberal Peace paradigm and its influence on global peace missions in a way that it transports values and ideas about good governance and politics that are just assigned to western countries (Richmond 2011: 326, Sabaratnam 2011:27). Consequently, a hegemonial relation between external actors of peace missions and local actors of the so-called Global South is consolidated (Chandler 2010:137, Paris 2011:36). This unbalanced relation between both protagonists of peacebuilding appear in the academic world as well. The focus on western-led organizations like the UNO in the evaluation of peacebuilding missions in the Global South led to a significant deficit, because regional actors and their influence are disregarded (Sending 2011:56).

Taking this into account, the following article will shift the focus from a global and western perspective to the African Union (AU) as the biggest regional organization and security power on the African continent. The aim is to add the perspective on Liberal Peace of the AU to the discourse to improve the understanding of peacebuilding practices on the continent by answering the following research question:

Which position does the African Union take toward the Liberal Peace concept? And what does it mean for the peacebuilding practices on the African continent?

2. State of the Art

First thoughts about the relation of the form of rule and war were written down by Immanuel Kant in his work "Perpetual Peace: A Philosophical Sketch". He argues that states, in which the people have a stronger voice, have less interest in participating or starting war, because the risk of suffering from conflict are higher for those people than for their government (Kant 1975/2003). This paradigm influenced the charter of the UN and therefore the development of international peace missions significantly.

[2] The term western, similarly like global south, is more used as a symbol for the developed countries that identify themselves as the western world because of a common history, norms, values, and similar ideas about good governance and economy than the actual geographical meaning of the word since the world is round and cardinal points therefore relative.

During the Cold War, African leaders were influenced by the bipolar rivalry of the United States and the Soviet Union like most parts of the world. Consequently, they saw themselves as allies of one superpower that supported the country with a guaranteed flow of resources in exchange for their own geopolitical advantages. The end of the Cold War left the African continent "invisible in economic terms but highly visible as a region suffering from violent conflict, famine, disease, poverty, environmental degradation and corruption" (Taylor and Williams 2017:9). Comments like "hopeless" or "source of a coming anarchy" (Kaplan 1994) were used to describe Africa's situation after 1990 and the great powers' idea shifted from supporting a continent to support their own security interests on a continent since it was considered as a "source of risk and danger" (Taylor and Williams 2017:9).

With the dominant role that the western states gained with the end of the Cold War the importance of their democratic worldview grew as much as their commitment to spread these values (Ghunta 2018:1, Paris 2010:337-365). With the assumption that democracies are least interested in any act of war (Doyle 1983:323-353), proponents of the liberal paradigm had the joint objective to support the Global South with "liberal institutions, norms, political, social and economic systems" (Richmond 2011:1). The climax of this trend was described by Francis Fukuyama as the liberal endpoint of history that the humankind would reach in its ideological evolution (Fukuyama 1989). With the challenge of new wars, the sense of responsibility from western democracies towards non-democracies was increased. Failed states and civil-warlike conditions with ethnical backgrounds built a "fundamental threat to the global peace and security of the world" (Kühne 2005:26). With the shift of the conflict character, peace missions as a reaction made progress as well. Consequently, expectations from the international community for peace missions, that now had to react to asymmetry, privatization, deprofessionalization, virtualization and defiscalisation, changed. By expanding tasks from creating a ceasefire to civil practices like the organization of elections, disarming and governmental support, the quality and intensity of UN-led peace missions increased and became multidimensional. The aim of guaranteeing a positive peace by stronger intervention instead of just a negative peace came up (Chetail and Jütersonke 2015:1-2). Peacebuilding actions were based on the ideas of the current affairs and promoted liberalization to protect societies from conflict and create a sustainable peace (Paris 2004). Because of those objectives the implementation of structures like good governance, democratic elections, human rights, rule of law and a functioning market economy in non-democracies was the main goal (Chandler 2010:138). In 1992 the UN Secretary-General Boutros-Ghali stressed these liberal ideas with his statement "Agenda for Peace" (Boutros-Ghali 1992). His text was during this time popular as the fundament of the post-conflict peacekeeping. New aspects like a proactive peacemaking (Lund 1996) or the deployment of humanitarian actors (Prendergast 1996) are supported by the upcoming concept of the responsibility to protect (Sabaratnam 2011:19).

Parallel, the scientific discourse starts to raise criticism. With the reappraisal of the peace missions in the 1990s the biggest global peacekeeping organization – the UN and their principles suffered criticism. Examples for that is Robert Kaplans work "The Coming

Anarchy" (Kaplan 1994) or William Zartmans "Collapsed States: The Disintegration and Restoration of Legitimate Authority" (Zartman 1995). Both question the transformation effects in non-western states. Well-documented arrears in peace missions in Angola (1992), Somalia (1993) or Ruanda (1994) cause loud critics and new approaches for more effective solutions. One of the most important answers on Michael Doyle's work from 1983 is given by Roland Paris. He argues with his concept "institutionalization before liberalization" (IBL) that premature liberalization attempts in post-conflict societies have a destabilizing effect on the region (Paris 2004). In 2001, Mark Duffield complements the discourse with the supposition that the Liberal Peace paradigm has no emancipatory nor transformative results on the Global South but stabilizes the present disorder (Duffield 2001:22). The terrorist attack of September 11, 2001 had a significant influence on the political actions taken towards so called 'failed states' and with that the incident also shaped the direction in which the intervention debate would move scientifically (Sabaratnam 2011:23). Therefore, the aftershock of the attack made foreign aid more of an act of self-interest than charity support (Taylor and Williams 2017:8). State-building is the term used to describe the expansion of peace missions to a growing number of areas. It was strengthened by the discourse and actions of this time.

The practice of expansive power by peacebuilders, already before the terrorist attack but with stronger tendencies afterwards, results in real political participation in post-conflict societies as well as local driven reforms are harmed (Chandler 1999:3, Chopra 2000, Suhrke 2009:227-251). This issue is leading to the concept of "local ownership" (Paris 2011:36) that must be enforced in peacebuilding operations. Not only the results cause doubts in current methods, but William Bain also stresses the moral aspects behind the interventionist character of peace missions and calls international administrations as western or liberal imperialism (Bain 2006). Michael Pugh adds to this thought that liberal peacebuilding is a hegemonial project whose goal is to spread western norms and values (Pugh 2008).

Ole Jacob Sending sees the reason for failure in peacebuilding mission's practice in the hegemonial relation between external and local actors. He also proclaims that the assumption that the power between both protagonists was asymmetric and the external actors were "the key to the puzzle" (Sending 2011:56) as misleading. Consequently, he stresses the urgence of a shift in the empirical and analytical field away from simplified conjectures to more attention on local actors in the Liberal Peace discourse and peacebuilding in practice (Sending 2011:56-61). In a review of 2015 Vincent Chetail and Oliver Jütersonke underline the deficits in the current discourse and document "More critical reflections on this hegemonic discourse, as well as on the transformative and emancipatory potential of peacebuilding activities (e.g., Fetherston 2000) are therefore a welcome addition" (Chetail and Jütersonke 2015:2).

With the discussion of the research question, the aim is a contribution to fill this research gap. To achieve clarity in concepts and terms, the next chapter will offer a conceptualization of the Liberal Peace paradigm to extract a working definition that is the base for the content analysis. Additionally, the link between the Liberal Peace Theory and the different concepts of

peacebuilding is explained before the focus shifts from the theory to the case example – the African Union with a focus on its security architecture.

3. Conceptualization and Definition of Relevant Terms

3.1 Liberalism

Since international organizations or powerful states justify their peacebuilding programs with the help of liberalism, as one of the main schools in international relations and a "western paradigm of thought" (Tom 2017:62), a brief overview of the liberal ideas is given. Mac Ginty states the "recognition of the individual as the basis of society; notions of tolerance and equality of opportunity; the promotion of freedoms that are believed to be universal; a belief in the reform ability of individuals and institutions; the rationality of individuals and collectives, and the defense of property and freedom of markets" (Mac Ginty 2012: 170, 2011: 26) as the most important aspects. For liberal scholars the individual and its self-interest builds the center of all political and economic action. Therefore, individual rights and freedoms like, "the right to private property, freedom of association, sexual choice and speech, and freedom of religious belief and practice" (Tom 2017:62) are highly prioritized. Williams also underlines a contrasting view of liberalism that is generated by the seeking for equality of every person at the same time as for their liberties (Williams 2009). Even if the liberal assumptions are mostly a result of experiences of western nations, supporters of the school do not see any restrictions and therefore the adaptability of this theory for every state.

3.2 Liberal Peace

The Liberal Peace Theory assumes that people, since it brings them material and non-material well-being, have a common self-interest in peace, which, after Michael Doyle's 'Kant, Liberal Legacies and Foreign Affairs' from 1983, can be provided by democratic systems. Kant's philosophical ideas, which are the basis for Doyle's essays, were therefore the cornerstone of the assumption that states with democratic political systems do not fight wars against each other but democracies with non-democracies and non-democracies among each other. Therefore, political, and economic actions that secure the condition of peace are pursued. In practice it means effective political and legal institutions as well as a highly cross-linked trade between states for supporters of the Liberal Peace paradigm (Hegre 2004). Tom also underlines "democracy, respect for human rights, rule of law, eradicating poverty, social justice, welfare, non-violent action, reconciliation, development, eliminating corruption and good governance" (Tom 2017:49). Additionally, based on liberal values, the support for individual liberties and freedoms plays a prior role. With the help of this information, it is possible to define six of these key points for this paper that can be viewed as positional indicators for Liberal Peace (e.g., Chandler 2010:138, Tom 2017:49).

Key points of Liberal Peace:

key1: *Democratization*
key2: *Good governance*
key3: *Liberal development*
key4: *Human rights*
key5: *The rule of law*
key6: *Free and globalized markets*

3.3 Liberal Peacebuilding

Peacebuilding is a further development of classical peacekeeping and generally part of peace missions of international organizations. A peace mission can be defined as the intervention of an international organization in a crisis or violent conflict in a country with its consent (ZIF Berlin 2021). To distinguish peacebuilding from other peace operations Michael Kenkel defines four generations of peace missions that can be differentiated by their characteristics and the way they react to political development and occurrences. The first generation describes traditional peacekeeping that begins after the achievement of negative peace and has the aim to ensure peaceful circumstances to settle the conflict. The sovereignty of the country of deployment plays an important role. The second generation, multidimensional peace missions start during the ongoing conflict and have a broader range of tasks like the organization of elections, disarming or the development of institutional structures. The following generation is peace enforcement as a reaction to tremendously failing attempts of the international community in Rwanda, Somalia, and Srebrenica. The special characteristic here is that the consent of the conflict parties is not a mandatory condition for intervention anymore. Similarly, to the second generation, peace enforcement starts during the conflict and paves the way for civil areas of responsibility. Here a shift from the sovereignty of the state as the highest priority to the protection of human rights of the citizens took place. The fourth generation, the peacebuilding aims to consolidate peace, to build trust from civilians and to encourage their well-being. The most important instruments are here: disarmament of the conflict parties, restoration of order, the monitoring of elections, the reformation and strengthening of institutions and the promotion of political participation (Kenkel 2013:122-143). According to the United Nations, peacebuilding "aims to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundation for sustainable peace and development. It is a complex, long-term process of creating the necessary conditions for sustainable peace" (UN Terminology 2021). Because of their complex and wide range of tasks and instruments, such as democratic institutionalization and economic liberalization, peacebuilding shows the influence of the Liberal Peace assumptions in political practice. Therefore, the attribute liberal, that is connected to the term

peacebuilding refers to the Liberal Peace Theory or paradigm, on which this peace missions of global international organizations are based. The term liberal peacebuilding thus means the influence of liberal values and ideas on peacebuilding processes (Richmond 2007:460). Alex Bellamy underlines additionally: "The principle aim of peace operations thus becomes not so much about creating spaces for negotiated conflict resolution between states but about actively contributing to the construction of liberal polities, economies and societies" (Bellamy 2008:4-5). To shift the focus from a global and western perspective to the African Union (AU), that is as the biggest regional organization and security power on the African continent and the priority of the paper, an introduction of the AU and especially its security structure will follow in the next chapter.

4. Case Selection – The Security Architecture of the African Union

The predecessor of the African Union, the Organization of African Unity, was founded in 1963 after the first independence declarations of African states. To realize the idea of Pan-Africanism, to stabilize peace, enhance the well-being of the people, to set an end to the exploitation of the continent and "liberating all African countries from the grip of settler colonialism" (Murithi 2007:376) the founding documents were signed (OAU Charta). Until the OAU was replaced by the African Union in 2002, it was the biggest organization on the African continent (Aniche 2020:17-20). Because of dissatisfying results, crises and a shift in the interests and focus of goals, the AU follows its footsteps (Legum 1976:208-219). The African Union is a contract under international law of 53 African states on the basis of equality and the partial dispatchment of states sovereignty for cooperation.

Concerning its members, the African Union is closed - only accepting the membership of African states - and is therefore characterized as a regional international organization (Seidl-Hohenveldern and Leibl 2004:53). The most important organs of the AU are the Assembly of the Union, the Commission, the Pan-African Parliament, an Executive Council, and the Court of Justice. Institutionally the security architecture of the African Union is embedded in those central organizations of the union.

In the constitutive act of the African Union is stressed that "a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda" (Constitutive Act of the African Union 2000). Since 2002 the African Union has gradually developed the African Peace and Security Architecture (APSA) that is based on several columns that builds the institutional heart of a new Pan-African security structure. The main components are the Peace and Security Council, two advisory committees for civil and military aspects (the Panel of the Wise and the Military Staff Committee), the Special Peace Fund, the African Stand-by Force, the Continental Early Warning System as well as the Peace and Security Department (Gänzle and Franke 2010). The Peace and Security Council is because of its decision-making authority the backbone of the peace and security architecture. It consists

of 15 members which are not only chosen by a regional proportional representation system, but they also must be in a "good standing" concerning dues and the rule of law for example. The Panel of the Wise is a mediating committee that tries to stop violent conflicts in an early stage through negotiations and practical advice. It is an innovation of the African Union that reflects traditional conflict management. The second advisory body, the Military Staff Committee, is supporting the Council in their decision-making processes. With the African Stand-by Force a unit for peace missions under the leadership of the African Union is provided. The revival of a common security architecture has taken place by a sustainable revision of the institutional relation between the 53 member states and the new interpretation of norms that lead to a new security culture (Williams 2009). After this reform the principle of non-intervention changed into the principle of non-indifference to face the impotence that the non-interference caused in numerous cases of severe violation of human rights for example in Ruanda (1994) (Gänzle and Franke 2010). With that human security and a responsibility to protect became central aspects in comparison to a stronger focus on state sovereignty before.

5. Methodology

The method that is going to be used for answering the research question in this paper is a qualitative content analysis that is a prevalently used qualitative research method mainly characterized by Philipp Mayring. Since the end of the 1970s, this text analysis approach provides a category-based systematic analytical procedure and consists of three main steps: summarizing, explication, and structuring of text material (Mayring 1994:159-175). Scientists often speak from a mixture of methods (Schreier and Echterhoff 2013:298-310), because the analysis of category frequencies is a quantitative instrument and makes it possible to work with a larger number of texts. Content analyses can be differentiated into three approaches by different ways to generate categories, determining codes or the trustworthiness of the approach: conventional, directed and summative. While the categories in a conventional approach are generated by the information of the text, a relevant theory supports the provision of categories in the conventional approach. In a summative content analysis, the counting and interpretation of key words is paramount. Since Liberal Peace is the predetermined theoretical paradigm of this paper and the focus lays in describing the position of the African Union towards it to make conclusions for improving practical activities in peace missions, a directed content analysis is the chosen approach. That means that the analysis underlies an already existing theory or research as a base for generating codes. The aim is to support or contradict the given state of the art. Because the focus lays on "a phenomenon that is incomplete or would benefit from further description "(Hsieh/Shannon 2005:1281) the procedure can be defined as deductive (Potter and Levine-Donnerstein 1999: 258–284). One advantage of this approach is the more precise focus on the research question. One disadvantage compared to the conventional procedure is, on the other hand, the inflexible work with the text. Inductive approaches can contrarily convince with an openness that can lead to unexpected or new

insights (Hickey and Kipping 1996: 81-91). Because the approach refers to an already existing theory, the categories are determined by the defined variables or concepts within the theory that were conceptualized in chapter 3 “Conceptualization and definition of relevant terms”. The Liberal Peace paradigm provides the predetermined categories for the following research in the material. For categories that cannot be classified to one of the existing ones but contribute to the answer to the research question, new classes can be determined in retrospect to not lose valuable information. This case is expected for alternatives or additions to the Liberal Peace concept made by the African Union that cannot be predetermined but essential for describing the position of the AU towards Liberal Peace. Depending on how much the analyzed medium is supporting the following categories and sees their impact on creating a sustainable peace, the authors rather believe and support the ideas of Liberal Peace or rather not.

Predetermined categories developed from the Liberal Peace Theory as explained in chapter 3:

cat1: *Democratization*
cat2: *Good governance*
cat3: *Liberal development*
cat4: *Human rights*
cat5: *The rule of law*
cat6: *Free and globalized markets*

The material selection is based on official and uploaded documents of the African Union with online access on their website. This data is chosen for the analysis because it provides official and transparent declarations ratified documents of the African Union itself. Secondary sources could threaten trustworthiness by including non-direct statements. Also, to limit the number of documents, a preselection was made by the choosing documents that contain content related to one or all of the categories and expectedly contribute to answering the research question. Therefore, a preselection process was made where all official documents published by the African Union to examine with the help of keyword searches which documents relate to relevant contents. The analysis procedure consists of three steps inspired by the three main steps (summarizing, explication and structuring of text material) from the content analysis after Philipp Mayring (Mayring 1994:159-175). First, I collect and organize all of the information about each category from all of the documents and find new categories where appropriate. In the next step I shorten and summarize all of the information about each category and shorten aspects that are double. In the last part of the process, I explain and interpret the summarized information about the aspects to compare the results to the working definitions and theory and sum up the position of the African Union towards Liberal Peace. For better clarity, the information is collected in a table with one row per document (fourteen

in total) and one column per predetermined category (six in total) plus one extra for further ideas and space for inductive insights.
The fourteen documents used in the Qualitative Content Analysis are the following:

doc1*: Constitutive Act of the African Union (2000)*

doc2*: Protocol on Amendments to the Constitutive Act of the African Union (2003)*

doc3: *Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002)*

doc4*: Protocol to the OAU Convention on the Prevention and Combating of Terrorism (2004)*
doc5: *African Union Non-Aggression and Common Defense Pact (2005)*

doc6: *African Union Convention on Cross-Border Cooperation (Niamey Convention, 2014)*

doc7: *Agreement Establishing the African Continental Free Trade Area (2018)*

doc8: *African Charter on Democracy, Elections and Governance (2007)*

doc9: *African Charter on Values and Principles of Public Service and Administration (2011)*

doc10: *African Charter on the Values and Principles of Decentralization, Local Governance and Local Development (2014)*
doc11: *Statute of the African Union Commission on International Law (2009)*
doc12: *African Union Convention on Preventing and Combating Corruption (2003)*
doc13: *African Charter on Human and Peoples' Rights (1981)*
doc14*: Protocol on the Statute of the African Court of Justice and Human Rights (2008)*

6. Analysis

[The full table with the Qualitative Content Analysis is provided in the online version at http://www.paxetbellum.org/ Below is doc 1]

	Cat 1	*Cat 2*	*Cat 3*	*Cat 4*	*Cat 5*	*Cat 6*	Further Aspects
doc1	Consolidate democratic institutions and culture Participation of African peoples	Ensure good governance Rejection of unconstitutional changes of governments	Sustainable development (economic, social, cultural level) Promoting research, prevent diseases with help of international partners Social justice	Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' rights Taking due account of Universal Declaration of Human Rights (UN) Promotion of gender equality Sanctity of human life	Ensure the rule of law	African Economic Community for promoting socio-economic development and efficiently face globalization Encourage international cooperation Establish conditions to play rightful role in global economy	Promotion of peace, security and stability for development and integration Defend the sovereignty and independence of member states Defend African common positions on issues of interest to the continent and peoples Common defense policy Peaceful resolutions of conflicts by Assembly Prohibition of the use of force or threat Intervention: war crimes, genocide & crimes against humanity Member states can request intervention from Union

7. Results

The table with the Qualitative Content Analysis shows that even if most of the official documents focus on one or two specific Liberal Peace categories (columns), it was nearly impossible to find information about every aspect in every document (row) to fill in the table. That first impression

shows the high extend on which the African Union is engaged in the Liberal Peace discourse. Whereby the amount of information does not automatically prove a supportive position towards the Liberal Peace paradigm. I also want to state at this point, that the analyzed position of the AU towards Liberal Peace has no informative value on the realization of this principles in practice.
Nine of the fourteen documents refer to democratic principles in the African Union. The authors clearly state the importance of the strengthening and consolidation of democratic institutions as well as the democratic culture (*doc1, doc3, doc8, doc12*). Therefore, the participation of the African peoples in the process through democratic, free, fair, and transparent elections that are supervised and well organized is considered as necessary (*doc1, doc3, doc5, doc8, doc10*). The promotion of democratic values should be characterized by pluralism, inclusiveness/the participation of all segments of the society and the existence of opposition parties that are equipped with party rights (*doc8, doc10, doc13*). The connection between liberal values and peace are clearly made in two ways: first, the stability that democracy brings can lead to sustainable peace as well as the importance of democracy for development of global trade that causes a more peaceful co-existence of states (*doc3, doc7*). Consequently, the first category that indicates a supportive position towards Liberal Peace is part of the extract of AU official documents corresponding with the content of the theory. The same is valid for the category of good governance because they have points of intersection. The efficient and effective work of institutions and member parties, for example in the use of financial resources plays an important role in the documents as well as in the Liberal Peace paradigm (*doc3, doc4, doc5, doc7, doc8, doc10*). Also, in this section transparency and accountability, for example the transparency in the funding of political parties (*doc12*) or the accountability in Public Affairs, are mandatory to ensure good governance and with that stability and peace. The connection between good governance and sustainable peace is here seen in the harmonization and coordination in governing practices, so that further integration on the African continent can take place. Further integration is leading, according to the AU, to more peace (*doc9, doc12*). The biggest harm to peace is thereby seen in the unconstitutional changes of governments (*doc8*).

The third category liberal development is picked up as a topic in the majority of the fourteen official AU documents as well. Inter alia the promotion of cooperation with international partners in the areas of research and the preventing of diseases through development is mentioned as well as sustainable development on an economic, a social and cultural level (*doc1*). Also, a direct interdependence between socio-economic development and security is made for example through post-conflict recovery programs and sustainable development policies for conflict prevention (*doc3*). The relationship between peace and socio-economic development is thereby not just leading in one direction but it is rather a reciprocal interaction where a higher socio-economic development causes a more sustainable peace, but a stable peace causes a higher development for the people as well (*doc5, doc7*). Furthermore, liberal development smoothens the way for trade liberalization by a well-developed infrastructure for example (*doc7*). Additionally, the development on an individual base is listed in this column, where the recognition of different levels of individual development play an important role. Here, the liberal value

of seeing the individual person superficially can be seen (*doc7*). To underline these ideas, the United Nations Millennium Development Goals (MDGs) are listed as well as the promotion of universal development values (*doc8*).

Category four, the human rights sectors in the documents are referring to the universal standpoint that is formalized by the Universal Declaration of Human Rights by the UN, but also the African Charter on Human and Peoples' Rights (*doc1, doc14*). Furthermore, gender equality approaches are emphasized, for example through effective inclusion of women in decision-making processes (*doc2*). Additionally, the authors of the documents distance themselves from torture and inhumane treatment that can be practiced through discrimination or racism. As a consequence, the AU mentions the respect of different cultural identities, minority rights, different origins, religions, genders, ethnicities, or political opinions (*doc4, doc5, doc8, doc9*). By the African Court of Justice, a judicial organ to achieve these goals is provided (*doc14*).

The rule of law category is the one with the most unspecific information. The main messages the AU sends here is the significance of the rule of law as well as its importance for the development of international trade and economic cooperation (*doc1, doc3, doc5, doc7*). Moreover, they see the rule of law as a mandatory instrument to fight threats like terrorism and corruption (doc4, doc5). With that the rule of law contributes essentially to more security and peace within the African Union.

The sixth and last predetermined category also provides information that imply the supportive position of the African Union towards Liberal Peace ideas. To efficiently face globalization and compete on a highly linked world market the African Union documents emphasize international cooperation, a legal framework for continental cross-border cooperation and the free movement of persons, capital, goods, and services (*doc1, doc7, doc6*). This integration is mainly focused on the African continent to face the global market as a unity and to ensure peace and stability on the African continent by this economic integration (*doc6, doc7, doc10*). Therefore, a direct linkage between peace and free and connected markets, at least on a continental level is made in this section of the analysis as well. Furthermore, the strengthening of local economies to face poverty is seen as a method that creates sustainable peace (*doc10*).

8. Discussion

After mainly drawing up the similarities and thereby the supportive position that the AU takes towards the Liberal Peace thoughts, there are aspects that contradict, or at least complement the underlying theory. The promotion of universal international law is, for example, listed but amended by the term "in the light of historical and cultural conditions in Africa" (*doc11*, preamble). Also, the focus in integration efforts lays more on the African continent and an African unity than to compete on the world market. Therefore, I would add the category African Unity to the African idea of Liberal Peace. It means a stronger cooperation with each other in every field to ensure security and peace by a harmonization of goals and the definition of common positions and interests driven by its own citizens (*doc1, doc7, doc8, doc9, doc10, doc12*). Furthermore, the African liberation and the eradication of all forms of colonialism play an important role in the

African Union documents that are not listed as a main peace promoting literature in the Liberal Peace discourse (*doc13*). Because of the importance of this aspect, I add another category to an African Liberal Peace: The Eradication of all forms of colonialism. The added categories do not show adaptations of the existing concepts to a particular regional focus but can be seen as additions to or even restrictions of the Liberal Peace concept, because they can be of interest not only for the African continent but for all non-western states. The following summary shows the supplemented and adjusted key points of a Liberal Peace after western standards to the standard of the African Union. The highlighted by color parts thereby show the differences in the position, the unhighlighted parts show conformity between the African Union and the set standards:

key1: Democratization

key2: Good governance with a focus on combating terrorism and corruption
key3: Liberal development
key4: Human rights

key5: The rule of law aligned with African historical backgrounds and conditions
key6: Free and globalized markets with a focus on a common African market key7: African unity
key8: Eradication of all forms of colonialism

Even if the aim of the paper is to describe the position of the African Union toward the concept of Liberal Peace and not to explain this position, the following paragraph will function as a short introduction into explanatory ideas. Different theoretical approaches provide the base for a variation of possible explanations to these findings. The field of inter-organizational relations (IOR) focuses on the interaction between one or several organizations and tries to examine character, pattern, origins, rationale and consequences of IO-relationships. Essential for the development of organization theory was the shift from an intra-organizational to an inter-organizational focus (Biermann and Koops 2017:1-4). Therefore, scholars changed the characterization of an IO from a closed system to a more open entity where the influence of external environment is considered as well. With this development, the interaction of IOs became a new unit of analysis (Jönsson 2017:50). Since the interaction of IOs increases, such as peacebuilding missions involve a variation of IOs like the UN, AU or EU, research about how organizations interact, cooperate, or compete became more relevant (Balas 2011:384–421). For this undertaking, the relevance of rationalist and constructivist approaches is stressed by scholars in the field of IOR (Lipson 2017:68).

The rationalist assumption of why and how international organizations cooperate or build partnerships is resource dependent. To fulfil their goals and strengthen their autonomy, international organizations require resources and follow therefore a utility maximizing calculus (Biermann and Koops 2017:17). These resources can appear financially or in the form of expertise,

personnel or even legitimacy-support and can be obtained internally through member states or externally through other public or private organizations. Consequently, it is likely that IOs start relations with other IOs and build partnerships (Pfeffer and Salancik 2003). With the help of this concept, cooperation in peacebuilding, such as between the United Nations and the African Union, can be explained. While the power-structure of those relationships are often asymmetrical between the resource-demanding and the resource-supplying partner, the autonomy of the demanding partner can shrink under this influence. With the term 'autonomization' scientists refer to the influence of the supplying partner and the loss of autonomy that goes along with it for the demanding organization. In this dilemma of profit (resources) and loss (autonomy) the partnership can dynamically shift from cooperation to conflict. Since the African Union, 19 years after its foundation, still struggles with "bureaucratic, logistical, and financial capabilities" (Williams and Boutellis 2014:257) but is an important guarantor of authority for peace missions, a partnership between the UN and AU is likely.

According to constructivist literature, international organizations are seen as the carriers or diffusers of international norms because they collect and distribute information. Moreover, international organizations can be norm consumers like states and their governments (Finnemore 1996:23). Norms are here defined as "collectively held ideas about behavior" that generate expectations about the behavior of a given unit, such as international Organizations. With the help of diffusion processes, organizations can shape the development of another IO. This mechanism is most likely when the influenced IO suffers a lack of effectiveness or legitimacy, because observing the behavior of more successful peer groups may cause more legitimated activities and stability (Sommerer 2020:2). There are four main categories of this process defined that can take place formally and informally: learning, emulation, competition, and coercion that have different characters as well as different consequences for IOs (Gilardi 2012). While learning means the examination of successful experiences, emulation teaches to make decisions appropriate to the relevant case/peer group. In a competition mechanism, the IO adapts to the behavior of its rival and coercion "or conditionality, refers to norm pressure from powerful actors that pushes others into the adoption of certain norms or standards" (Sommerer 2020:2). Furthermore, the diffusion of norms becomes more probable the more relevant the influencing IO is thematically and if they are both covering the same region. Convergence, that means the degree the IOs get close to each other on levels of imitation, adaption, or inspiration, is the outcome of norm diffusion processes. An example of this is the spreading of western norms and ideas that can become visible in the relations between the UN as a norm spreading and the AU as a norm consuming IO.

Additionally, a critical reflection of the decolonization process shows shortcomings that are remaining in the form of the coloniality of power until today. While a politico-juridical freedom was officially achieved, asymmetrical power structures and dependencies are the reasons for which freedom in Africa is called an "illusion" (Ndlovu-Gatsheni 2012:71). This assumption also officiates as an alternative approach to explain the results but cannot be sufficiently examined in this paper. Further research to explain the revealed puzzle would be a welcomed contribution.

9. Conclusion

This Qualitative Content Analysis has shown the main similarities and differences of the African Unions' position towards the concept of the Liberal Peace and the consequences they automatically have for liberal peacebuilding missions. Of course, there is no claim of completeness in the former explanations, but a beginning to give more attention to local actors such as local international organizations to the Liberal Peace discourse. While I mainly scratched the surface of the Liberal Peace concept of the African Union, it would be necessary to give a more detailed view and deeper explanations to every single concept of the listed categories. To name one example, the supporting reference to the rule of law, is seen here as a similar understanding of both sides, the western-influenced and the African-influenced position, but the concept rule of law itself could be defined and understood in different ways.

To provide a final answer to the research question:

Which position does the African Union take in the discourse about the Liberal Peace? And what does it mean for the peacebuilding practices on the African continent? it can generally be stated that the African Union has a supportive position towards the Liberal Peace paradigm in every of the six analyzed key points: democratization, good governance, liberal development, human rights, the rule of law and free and globalized markets, but specifications could provide a better fit to the aspirations of the African Union. That is for example the addition of the two categories: African unity and the eradication of all forms of colonialism that are two aspects leading to a more stable, secure, and peaceful continent. Furthermore, the African Union stresses the conditions of the African continent as a guideline for the Liberal Peace Theory. That means that a universalized idea of Liberal Peace can be adjusted by regional circumstances, as the AU underlines, to be more adaptable in practice.

For the peacebuilding practice exactly the insights from the theoretical analysis can be applied in practice as well. Therefore, peacebuilding can carry the attribute liberal, even if it is not mainly led by external actors from western countries but also when it is initialized by the African Union as a regional organization. Like the theoretical position shows, it is helpful to adapt regional circumstances to the practical work and priorities, such as combating corruption before financial resources are reaching a lack of transparency in governance or free, fair, democratic and transparent elections before the people can trust their new government and their democratic rights. With keeping these insights, the differences as well as the similarities, in mind, the initiative *"African Solutions to African Problems"* does not only sound like the right way, but maybe additionally not even like an unknown path for external actors anymore.

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Doc 2: *Protocol on Amendments to the Constitutive Act of the African Union,* adopted July 11, 2003, ratifies by 30 countries, last update March 19, 2018

Doc 3: *Protocol Relating to the Establishment of the Peace and Security Council of the African Union*, July 09, 2002 , ratified by 52 countries, entered into force December 26, 2003, last update March 07, 2017

Doc 4: *Protocol to the OAU Convention on the Prevention and Combating of Terrorism,* July 01, 2004, ratified by 21 countries, last update May 24, 2017

Doc 5: *African Union Non-Aggression and Common Defense Pact*, January 01, 2005, ratified by 22 countries, entered into force December 18, 2009, last update March 07, 2017

Doc 6: *African Union Convention on Cross-Border Cooperation (Niamey Convention)*, June 27, 2014, ratified by five countries, last update July 05, 2019

Doc 7: *Agreement Establishing the African Continental Free Trade Area*, March 21, 2018, ratified by 36 countries, entered into force May 30, 2019, last update February 05, 2021

Doc 8: *African Charter on Democracy, Elections and Governance*, January 30, 2007, ratified by 34 countries, entered into force February 15, 2012, last update June 27, 2019

Doc 9: *African Charter on Values and Principles of Public Service and Administration*, January 31, 2011, ratified by 19 countries, last update May 14, 2019

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Doc 11: *Statute of the African Union Commission on International Law*, February 04, 2009, ratified by zero countries, entered into force February 04, 2009, last update February 04, 2009

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Unwrapping the 'Africa Problem' of the International Criminal Court: African perceptions of legitimacy

Valerie Kornis

Abstract
In recent years, the International Criminal Court (ICC) has increasingly encountered resistance by some of its African member states. Drawing from international organizations (IO) literature, this paper investigates whether a lack of legitimacy is at the heart of the ICC's 'Africa Problem'. *How do African member states' perceptions of the International Criminal Court's legitimacy differ and how have such perceptions evolved?* According to IO academics, IOs derive their legitimacy either from their procedure (input) or from their performance (output). This distinction forms the theoretical framework of the research, which combines quantitative, longitudinal and classificatory typological research design. Statements made by African states at the UNGA 6th Committee are coded and subsequently ascribed one out of four categories: the state believes in the ICC's (a) performance legitimacy (b) procedural legitimacy (c) performance illegitimacy (d) procedural illegitimacy. The analysis yields the following results: While the Court's legitimacy among its African members started off at a high level, it experienced a decline in 2010 with subsequent increased volatility. However, the data also implies that previous scholarly work on the topic tends to exaggerate the crisis. The ICC is still considered more legitimate than illegitimate; beliefs in the Court's performance legitimacy are particularly strong.

Key words: International Criminal Court – legitimacy – Rome Statute – Africa – criminal accountability

1. Introduction

At first sight, the successful prosecution of the Ugandan rebel fighter Dominic Ongwen in 2021 looks like a promising recent achievement of the International Criminal Court (ICC) and an important step forward in the fight for international criminal accountability (Simons 2021). However, the conviction of another African citizen by the ICC has the potential to fuel the ongoing crisis that the Court faces with several of its African member states that feel unfairly targeted by the ICC. While some African countries merely express their discontent with the ICC, others even go so far as to refuse cooperation or threaten to withdraw their membership (Magliveras 2017; Olugbuo 2014).

Several African states backed by the African Union (AU) have accused the ICC of pursuing double-standards, Western imperialism, infringements of national sovereignty, and other misconduct (Labuda 2015). They generally base such claims on the fact that until 2016, the ICC

only investigated situations in Africa. At the moment, 10 out of 16 investigations are located in Africa and all of its prosecuted individuals are of African origin (International Criminal Court, n.d.). The ICC has to take the accusations brought forward by African member states seriously, as their cooperation with and support for the Court has visibly declined over the course of the ICC's existence (Nimigan 2021).

Have African states lost their trust in the Court? According to International Organizations (IO) literature, increasing resistance to an IO can be the manifestation of an IO's declining legitimacy (Hurd 2019). When states no longer believe in the "rightful use of authority by an institution" (Hurd 2019, 718), i.e., they no longer perceive the IO as legitimate, these states subsequently reduce their support. Indeed, African member states' accusations against the ICC imply that such a lack of legitimacy could be at the heart of the ICC's ongoing 'Africa Problem'. A lack of perceived legitimacy potentially undermines the authority of the Court and impedes its fight for criminal accountability (Hurd 2019; Tallberg and Zürn 2019). However, scholarly literature devoted to the 'Africa Problem' lacks a holistic account of African perceptions of the Court and the evolution of its perceived legitimacy, even though legitimacy is particularly relevant for courts (Tallberg and Zürn 2019).

One needs to thoroughly analyze the ICC's perceived legitimacy on the continent before exploring possible solutions to the ICC's ongoing 'Africa Problem'. Particular attention should be paid to how states differ in their perception of the Court's legitimacy and how the ICC's legitimacy has evolved over time. Which African member states perceive the ICC as legitimate and which ones contest the Court? How and when have states' perceptions of the Court changed? Once these questions are answered, one can start to identify the root causes and triggers of fluctuations in perceived legitimacy, followed by an exploration of possible solutions to the ICC's supposed legitimacy crisis in Africa (Dellmuth, Scholte, and Tallberg 2015; Tallberg and Zürn 2019). Hence, in order to contribute to the solution of the 'Africa Problem' of the ICC, I aim to provide a better understanding of African states' perceptions of the Court by answering the following research question: *How do African member states' perceptions of the International Criminal Court's legitimacy differ and how have such perceptions evolved?*

An answer to this question adds a valuable contribution to our understanding of the ICC's crisis on the African continent. A better understanding of African perceptions of the ICC enables the Court to engage in constructive dialogue with its African member states and potentially informs legitimation strategies of the ICC. This in turn helps the Court to restore support for its mandate in Africa, subsequently increasing the chances of receiving justice for victims of grave human rights violations on the continent. The paper's additional relevance lies in its contribution to academic literature on the ICC's 'Africa Problem', which still lacks an analysis of interstate and temporal fluctuations in African support for the ICC. Applying a legitimacy paradigm to the case

of the ICC also provides valuable insights for IO literature concerned with developing states' support for IOs and de-legitimation processes (Hurd 2019; Kuhn 1996).

In the further course of the article, I will provide an overview of the empirical background and existing literature about the relationship between the ICC and its African members, which serves to locate the paper within the broader academic debate and to highlight its empirical and theoretical relevance. Subsequently, I will elaborate on the theoretical framework of the research and the methodology employed to answer the research question. In the following section, the findings from the analysis will be presented, interpreted and discussed. Lastly, I will summarize my research findings, address potential shortcomings of the paper and provide recommendations for future research.

2. Empirical Background

In the drafting process of the Rome Statute, which entered into force on the 1st of July 2002 bringing into existence the ICC, African states were particularly engaged and committed (Austin and Thieme 2016; Nimigan 2021). However, the parties participating in the drafting of the Statute also encountered powerful resistance from the United Nations Security Council (UNSC), which advocated for an ICC that would operate under its own auspices. To accommodate the diverging interests, a comprise was made that would allow the UNSC to refer cases to the ICC under Article 13 of the Rome Statute; that power to refer cases to The Hague even extends to cases in states that did not ratify the Rome Statute (Iommi 2020; Nimigan 2021; Ssenyonjo 2018).

The referral mechanism by the UNSC is one out of three ways in which the ICC can gain jurisdiction and open an investigation. The first and most common way to establish jurisdiction in a case is by self-referral by one of the ICC's member states. While the Rome Statute initially envisaged parties to refer each other to the ICC, in practice member states opt for self-referrals. The second way for the ICC to gain jurisdiction is by the Office of the Prosecutor (OTP) employing its proprio motu power, which allows the ICC to open a case in one of the Rome Statute's state parties (Fyfe 2018; Rossi 2018).

Up until today, the ICC has started investigations in 16 situations; 8 cases are considered self-referrals, while the other 8 situations are either referred to the ICC by other states or the UNSC or opened on the initiative of the OTP. The UNSC referred the situation of Darfur in Sudan to the ICC in 2005 and the case of Libya in 2011. Proprio motu powers by the OTP were exercised for the situation in Kenya in 2010, Côte d'Ivoire in 2011, Georgia in 2016, Burundi in 2017, Bangladesh/Myanmar in 2019, and Afghanistan in 2020 (International Criminal Court, n.d.). Ten out of those sixteen situations under investigation by the ICC are located in Africa, with almost all non-African investigations opened in the past five years and through proprio motu powers. This apparent focus of the ICC on African countries has spurred general mistrust and even open hostility

on the part of African states towards the Court in The Hague (Bloomfield and Mills 2017; Mills 2012; Iommi 2020).

Opposition by some of the ICC's African member states against the Court does not only manifest in shrinking support, but also in non-cooperation and withdrawals from the Rome Statute. While Burundi effectively withdrew in 2017, followed by the Philippines in 2019, South Africa and The Gambia reversed their statements of withdrawal from the Statute (International Criminal Court, n.d.; Rossi 2018). Nevertheless, tensions between African member states and the ICC remain high, implying a legitimacy crisis for the ICC on the African continent, which subsequently threatens to undermine the authority of the Court (Hurd 2019). Thus, there is an urgent need to understand the perceptions that African member states have of the ICC's legitimacy.

3. Literature Review

While various scholars have already analyzed the relationship between the ICC and its African members, the academic literature still lacks a holistic account of how state parties perceive the Court. Does a legitimacy crisis underlie the ICC's 'Africa Problem'? How do African countries differ in their perceptions of the ICC? When have such beliefs changed? Particular attention should be paid to interstate and temporal differences in legitimacy perceptions, in order to disentangle generalizing claims made about the 'Africa Problem' in existing academic literature. Instead of assuming unanimity among African states, neglecting the silent majority, and disregarding possible changes in the African members' stance towards the ICC, scholars should aim to thoroughly understand the unfolding and evolution of the crisis. In the further course of the article, I aim to close this gap in the literature with a particular focus on the Court's perceived legitimacy. This can guide future research identifying and addressing the root causes of the tensions between the ICC and its African state parties.

Various scholarly works have already aimed to explore the causes of the crisis and possible solutions to restore the formerly fruitful relationship between the African continent and the ICC (Bloomfield and Mills 2017; Gissel 2018; Iommi 2020; Labuda 2015; Magliveras 2017; Mills 2012; Nimigan 2021; Olugbuo 2014; Rossi 2018; Ssekandi and Tesfay 2017; Vilmer 2016). Those authors identify different root causes of the ICC crisis; amongst those are the UNSC's power to refer cases to the ICC (Olugbuo 2014), African states' lack of access to norm contestation in the creation of the ICC (Iommi 2020), and different visions for the ICC by African states (Gissel 2018). In his work on the root causes, Rossi (2018) argues that the colonial origin of international criminal law haunts the mission of the ICC on the African continent and causes its African members to perceive the Court as neocolonial.

Iommi (2020) who also aims to identify the root causes of the ICC's 'Africa Problem' employs Wiener's 'Theory of Contestation' to investigate whether African states had regular and

institutionalized access to norm contestation in the creation of the ICC. Iommi concludes that low contestation is indeed the main cause of the ICC's ongoing crisis. However, the fact that the majority of states which participated in the drafting of the Rome Statute were African renders her findings disputable. Having said this, Gissel's (2018) research findings support Iommi's argument. Analyzing statements made by African states at the United Nations General Assembly (UNGA), Gissel infers that African member states' vision of the ICC differed substantially from the current version of the Court. The scholar argues that this discrepancy is the root cause of the 'Africa Problem'.

While there is some disagreement about the leading causes of the ICC crisis in existing literature, there is widespread consensus that the indictment of former Sudanese president Al-Bashir in 2010 triggered initially subtle tensions to break to the surface (Bloomfield and Mills 2017; Keppler 2012; Labuda 2015; Mills 2012; Olugbuo 2014). Mills (2012) finds that conflicting norms and values in Africa, provoked by Al-Bashir's arrest warrant, caused the ongoing crisis of the ICC, as those competing norms forced states to prioritize one over the other. In his joint research with Bloomfield (2017), Mills once again identifies the indictment of the sitting president Al-Bashir as the tipping point in the already tense relationship between African member states and the ICC. This is in line with Labuda's (2015) work, in which he argues that the targeting of heads of states by the ICC has greatly amplified tensions between the Court and Africa. In order to ease such tensions, scholars have not only urged to take African objections seriously but have also proposed measures such as the setting up of ICC regional chambers (Magliveras 2017), more investigations outside Africa and the establishment of intermediary institutional structures (Vilmer 2016).

However, for the resolution of the 'Africa Problem' a prior extensive analysis and understanding of African member states' arguments is needed. For that reason, several scholars have dedicated their research to a thorough examination of African objections, particularly the language they employ and the norms they invoke (Bloomfield and Mills 2017; Gissel 2018; Iommi 2020; Keppler 2012; Labuda 2015; Magliveras 2017; Mills 2012; Vilmer 2016). According to those scholars, African member states most frequently refer to sovereignty, peace versus justice, Pan-Africanism, colonialism, and Western imperialism in their resistance to the Court. Examining the language employed by opponents of the ICC, Labuda (2015) also identifies a progressive intensification of the discourse – states have gradually replaced accusations of sovereignty violations with accusations of neocolonialism and racist discrimination. Bloomfield and Mills (2017) confirm this in their analysis of public statements made at the UNSC, AU and ASP. Employing Archarya's 'norm cycle model' in combination with Bloomfield's 'entrepreneur-antipreneur' framework, they analyze how resistance to the anti-impunity norm, which they claim the ICC to embody, has developed and manifested itself.

As many other scholars, Bloomfield and Mills (2017) predominantly pursue a norms-centric approach in their research and even treat the ICC as a sole manifestation of the anti-impunity norm

(Iommi 2020; Labuda 2015; Mills 2012; Okpe Okpe 2020). It is questionable whether conceptualizing the ICC as a norm and subsequently neglecting its institutional features as an international judicial organization is the appropriate approach. In contrast to those scholars, Nimigan's (2021) research paper highlights the institutional features of the ICC, trying to explain African states' different levels of commitment to the Court. Nimigan argues that rational calculations in combination with normative factors determine states' commitment to the ICC.

Her research implies that African member states' commitment and perceptions can vary significantly. Other academics, such as Iommi (2020), Keppler (2012) and Vilmer (2016) emphasize that sensitivity to and recognition of such interstate differences are crucial for any comprehensive analysis of the ongoing ICC crisis. Unfortunately, those interstate differences remain mostly unnoticed; interests and perceptions among African member states are much more diverse than the existing academic literature portrays (Keppler 2012). Scholars particularly neglect Africa's silent majority – states that are "torn between contradictory normative pressures from the Court and from the AU" (Vilmer 2016, 1326).

Previous literature either concentrates on the most vocal states, such as Kenya, Uganda and Sudan (Lugano 2017; Nimigan 2021; Rukooko and Silverman 2019) or regards Africa as a unitary actor represented by the AU, arguing that the AU has played a central role trying to give its members a united voice vis-à-vis the ICC (Magliveras 2017; Olugbuo 2014). Accordingly, Olugbuo (2014) dedicates his research to an analysis of the relationship between the AU, the ICC and the UNSC. He finds that the major driver of the crisis is the UNSC's power to refer cases to the ICC. However, as is pointed out by Keppler (2012) and Vilmer (2016), the AU's criticism of the ICC and its actions do not reflect the diversity of perceptions of African countries but give a false impression of unanimity.

A more nuanced account of African states' resistance to the ICC is provided by Mills in his 2012 research paper and in his joint project with Bloomfield (2017). He finds that competing norms and states' prioritization of one over the other lead to African countries' diverging positions regarding the ICC. However, Mills does not further specify those interstate differences even though he argues for their existence. Mills certainly improves on that aspect in his joint research project with Bloomfield (2017), in which the scholars also highlight temporal fluctuations in states' support. Bloomfield's and Mills' work would profit from a more systematic categorization of state support though. Nonetheless, their research provides a useful framework for understanding the evolution of African resistance to the anti-impunity norm.

In the further course of this paper, I aim to combine the respective strengths of the aforementioned literature and improve on their shortcomings, while analyzing the 'Africa Problem' through a legitimacy lens. I will establish a typology to classify African member states according to their perceptions of the ICC's legitimacy and draw inferences from the data about the Court's level of

perceived legitimacy. Additionally, I will use the typology to trace the evolution of the ICC's legitimacy among African member states to find out whether a legitimacy crisis indeed underlies the 'Africa Problem'.

4. Theoretical Framework

In the last century, IOs have played an increasingly important role in global governance. However, IOs[3] still largely depend on support and cooperation of their members (Buchanan and Keohane 2006). This dependency is manifested in the fact that IOs rarely possess coercive enforcement powers (Hurd 1999). Consequently, IOs have to resort to other means to ensure compliance and cooperation. According to IO literature, legitimacy, which I conceptualize as "beliefs of audiences that an IO's authority is appropriately exercised" (Tallberg and Zürn 2019, 583), can be considered such a tool (Buchanan and Keohane 2006; Hurd 2019). IO academics argue that the belief in an IO's legitimacy is the driving factor in states' decision to cooperate and that a lack of legitimacy fully undermines the authority of an IO (Schmidtke 2019; Tallberg and Zürn 2019). Since IO literature attaches such great importance to an IO's legitimacy, it is worth paying closer attention to the ICC's legitimacy and its evolution over time.

Generally, a distinction can be made between normative and sociological legitimacy. While an IO's normative legitimacy is "derived from its conformance to moral principles such as justice and democracy" (Dellmuth, Scholte, and Tallberg 2019, 629), the latter describes the "beliefs within a given constituency or other relevant audience that a political institution's exercise of authority is appropriate" (Tallberg and Zürn 2019, 585). In my article, the focus lies on sociological legitimacy, which I consider useful to provide fresh input to academic literature on the 'Africa Problem' of the ICC, which is predominantly occupied with norms. Sociological legitimacy pays more attention to the institutional features of the Court, its intergovernmental character and its members' perceptions, which represent the audience in the theoretical framework.

In the academic literature on IO legitimacy, particularly the behavioralist strand, it is common to approach legitimacy from a sociological perspective by inferring an institution's level of legitimacy from its members' beliefs and perceptions (Crasnic et al. 2019; Dellmuth and Tallberg 2015). These scholars assess the "degree of visible contestation around it: high legitimacy is predicted to produce low contestation; high compliance may be evidence of high legitimacy; heavy contestation is seen as a sign that the organization is lacking in legitimacy and may therefore find it harder to accomplish its goals" (Hurd 2019, 718).

In their work, Tallberg and Zürn (2019) focus on such sociological legitimacy as perceived by IO members. In addition to multiple other academics, such as Chalmers and Dellmuth (2015), Dellmuth and Tallberg (2015), Hooghe, Lenz and Marks (2019), Hyde, Kelley and Nielson (2019), Hurds (1999), and Rohrschneider (2002), the two scholars theorize a causal link between institutional features of IOs and beliefs about the organization's legitimacy. Fritz Scharpf (1999) introduced the idea that an IO derives its legitimacy either from procedure (input) or from its performance (output). Hence, according to existing scholarly work on the topic, an IO's

[3] I conceptualize IOs as "organizations of more than two states with a formal structure such as a secretariat, rules for admission, and regular meeting times" (Abbott and Snidal 1998, as cited in Miller et al. 2019, 122).

institutional features, namely the IO's procedure and performance, determine beliefs in an IO's legitimacy. Procedure describes the way in which an IO makes decisions and conducts its mandate; whereas performance is concerned with the outcome of an IO's actions (Anderson, Bernauer, and Kachi 2019; Tallberg and Zürn 2019). This in turn implies that IOs can possess performance legitimacy but lack procedural legitimacy, and the other way around, they can have procedural legitimacy but lack performance legitimacy.

Building on the analyzed scholarly literature, I transform the theoretical framework, which links IOs' institutional features to their legitimacy, into a typology. This typology allows me to assess and categorize African member states' perceptions and infer the ICC's level of legitimacy among African countries. Simultaneously, it allows me to systematically trace the evolution of the ICC's legitimacy on the continent. In fact, Dellmuth et al. (2019) and Schmidtke (2019) employ similar, slightly extended typologies in their research.[4] Elman (2005) considers typologies valuable tools in the study of international politics and categorizes them into descriptive, classificatory and explanatory typologies. According to the scholar, this article will employ a classificatory typology, which allows to highlight potential differences in beliefs among African states.

Table 1: State typology

	Legitimate	**Illegitimate**
Performance	A) State believes in the ICC's performance legitimacy	C) State does NOT believe in the ICC's performance legitimacy
Procedure	B) State believes in the ICC's procedural legitimacy	D) State does NOT believe in the ICC's procedural legitimacy

Table 1 provides an overview of the four types of legitimacy derived from existing literature on the topic. The typology connects sources of ICC legitimacy to the beliefs of its member states. According to the scheme, the ICC can possess A) Performance legitimacy, B) Procedural legitimacy, C) Performance illegitimacy or D) Procedural illegitimacy. As mentioned above,

[4] Instead of transforming the supposed causal link into a typology, Dellmuth et al. (2019) break down the legitimacy sources *performance* and *procedure* into subcategories. In contrast, Schmidtke (2019) develops a typology concerned with the intensity of (de-)legitimation processes and the tone of the legitimacy evaluation statement, i.e. il-/legitimacy. Consequently, one dimension of my typology overlaps with Dellmuth et al. (2019), while the other dimension corresponds to Schmidtke's (2019) typology.

legitimacy is the "belief[] within a given constituency or other relevant audience that a political institution's exercise of authority is appropriate" (Tallberg and Zürn 2019, 585). Consequently, *illegitimacy* describes the disbelief in the IO's appropriate exercise of authority.

Regarding the sources of IO legitimacy, *procedure* is concerned with the institutional setup of an IO and the representation of members' interests (Dellmuth and Tallberg 2015); thus, it encompasses various dimensions. Dellmuth, Scholte and Tallberg (2019) consider those dimensions to be participation, transparency, efficiency, expertise, impartiality, and proportionality. However, as the focus of this paper lies on an international judicial organization, in contrast to an international political organization, I make some adjustments to the scholars' conceptualization. I conceptualize *procedure* to cover members' participation in decision-making, incorporation of members' interests in the IO's setup, transparency of the IO's decisions-making, impartiality in its conduct, and proportionality of the IO's decisions. Lastly, I distinguish *procedure* from an IO's *performance*, which relates to the raison d'être, outcome and consequences of IOs' actions. While I consider Dellmuth's and Tallberg's (2015) conceptualization too simplistic, as it only takes IOs' contribution to general and individual welfare into consideration, I find Dellmuth, Scholte and Tallberg's (2019) conceptualization too extensive.[5] Combining the strengths of both articles, I conceptualize *performance* as the IO's fulfillment of its mandate, subsequent externalities, and long-term consequences (Hurd 2007).

Combining the aforementioned concepts (see Table 1), cell A represents the case in which the state believes in the ICC's appropriate exercise of its authority because the state assesses the consequences of the Court's actions positively. Cell B describes the instance in which the state believes in the ICC's appropriate exercise of its authority, based on a positive assessment of the Court's setup and way of conduct. By implication, cell C depicts the case that the state does not believe in the ICC's appropriate use of authority because the state evaluates the consequences of ICC actions negatively. Lastly, cell D refers to the instance in which the state does not consider the ICC's exercise of authority appropriate due to a negative assessment of the Court's setup and functioning (Hurd 2019; Tallberg and Zürn 2019).

[5] Dellmuth et al.'s (2019) conceptualization covers five key dimensions, namely democracy promotion in wider society, problem-solving, collective gains, human dignity, and distributive justice.

5. Methodological Framework

5.1 Research Design and Case Selection

In the analysis section of the paper, I ascribe each country one of the four aforementioned cells in order to enable a better understanding of the ICC's legitimacy. By establishing a typology and subsequently coding empirical data as falling into one cell or another, this research qualifies as classificatory typological research (Elman 2005). Additionally, the paper adopts a longitudinal research design, as its second objective is to trace the evolution of the ICC's legitimacy and identify potential trends. Consequently, I collect and analyze data over a long period of time and on multiple cases (Halperin and Heath 2017). The corresponding time frame ranges from 2002, which marks the year the ICC entered into force, to 2020.

Considering the other core objective of the article, which is to provide an overview of individual African states' stance towards the ICC, I select all African state parties to the ICC as cases. Solely African countries that are party to the Rome Statute are included in the analysis because the ICC particularly depends on high perceived legitimacy among its members. Parties to the ICC Statute are obliged to cooperate with the Court, but as the ICC lacks power to enforce compliance, it has to rely on states' voluntary cooperation. To classify as an African state party, the country needs to be situated on the African continent and it must have ratified the Rome Statute at the time of analysis. In line with previous scholarly literature, the level of analysis will be the state level or more precisely the government of the respective state rather than its population (Bloomfield and Mills 2017; Gissel 2018; Labuda 2015; Mills 2012; Nimigan 2021).

In order to empirically study legitimacy perceptions among African countries, the academic literature provides three dominant approaches. These methods can be summarized as: "assessments of public opinion (audience beliefs), mapping of public participation and protest (audience behavior), and analysis of discursive practices in the public realm (audience statements)" (Dellmuth and Tallberg 2015, 460). In this article, I am not only interested in whether states perceive the ICC as legitimate or illegitimate, but also whether they link such beliefs to the Court's performance or its procedure. Consequently, a mere assessment of public opinion will not suffice. Measuring participation and protest can be considered particularly reliable and robust, as public statements do not necessarily mirror states' true intentions and beliefs (Bloomfield and Mills 2017; Tallberg and Zürn 2019). However, measuring participation in the case of the ICC encompasses several difficulties, such as operationalizing participation in such a way that it provides continuous data – necessary for this analysis – rather than specific instances of participation, for example when arresting suspects. Furthermore, measuring participation does not give insights into states' beliefs and their reasoning. Therefore, I will analyze public statements made by the ICC's African member states.

I will do so by employing quantitative discourse analysis, which enables me to identify the underlying legitimacy beliefs of states (Schmidtke 2019) and to simultaneously link those to the

ICC's procedure or performance depending on statements' content and context (Halperin and Heath 2017). In other words, I consider discourse analysis particularly appropriate, since discourse conveys more than a mere belief, it also provides information on the reasoning behind which I need to categorize states according to the established typology. Furthermore, by employing quantitative discourse analysis, rather than qualitative analysis, I can systematically trace the evolution of ICC legitimacy and identify potential trends in the data, which speaks to the longitudinal aspect of my research concerned with temporal legitimacy fluctuations.

5.2 Data Collection

The data for the paper's analysis has to fulfill two general criteria: firstly, it has to provide insights into states' perceptions of the ICC's legitimacy and their underlying reasoning; secondly, a systematic quantitative analysis of the data has to be possible. Public statements by African government officials appear particularly suited (Schmidtke 2019). Hence, in line with other scholars researching the 'Africa Problem', such as Gissel (2018), Bloomfield and Mills (2017), I examine statements made by representatives of African states at the United Nations General Assembly (UNGA).[6]

Due to the higher density of ICC-related statements, I select summary transcripts from the UNGA Sixth Committee for analysis. The Sixth Committee, which is the UN's primary forum for discussions related to international legal matters, convenes once a year to negotiate international law-making. There, African member states of the ICC have the opportunity to publicly voice criticism or express their support for the Court in The Hague.[7]

However, I have to mention some caveats regarding the representativity of statements made in the UNGA Sixth Committee. Firstly, on the international stage, states may speak of the ICC in a more positive tone than they would do in front of their own population, since states generally care about a good international reputation. Presenting themselves as advocates for justice and accountability, states can potentially improve their international standing. Secondly, I cannot exclude the possibility that states intentionally provide misinformation in their statements. This corresponds to the unfortunate reality that states' statements might differ greatly from their actions. Thirdly, it is possible that statements made in the UN framework are also more likely to address the UN's relationship with the ICC. This in turn would imply that procedural legitimacy evaluation statements are potentially overrepresented in the sample. Any generalization and inference made beyond the sample should consider those caveats. For more information on my data collection, please refer to Appendix F.

[6] All African member states of the ICC are also simultaneously members of the United Nations and thus represented at the UNGA.
[7] I downloaded transcripts of its annual meetings from the United Nation's digital library and subsequently uploaded them to Atlas.ti. https://digitallibrary.un.org/

5.3 Research Method and Operationalization

I use the Atlas.ti software to conduct the quantitative discourse analysis.[8] The recording unit is the paragraph in which the ICC is mentioned, as considerable context is needed, in order to ascribe statements the correct code. However, not every mention of the ICC provides sufficient information to be considered for the analysis. Thus, I only code statements that can be classified as *legitimacy evaluation statements*. To qualify as such a statement, it must either implicitly or explicitly express the belief that the ICC's exercise of authority is (in-)appropriate or (un-)desirable (Schmidtke 2019; Suchman 1995).

In order to properly categorize states, one code describes the *institutional feature* that the statement refers to, while another code is used to specify the paragraph's *tone.* The *tone* of the *legitimacy evaluation statement* captures whether the state evaluates the ICC positively or negatively and thus takes on one of these two values; it is used to measure the state's belief in the ICC's (il-)legitimacy (Schmidtke 2019; Tallberg and Zürn 2019). States that express their support for the ICC can be considered to positively evaluate the Court, whereas states that criticize the ICC exhibit a negative *tone*.

The other dimension of the typology, namely *performance vs procedure*, is covered by the code *institutional feature*, which identifies the statement's implicit or explicit reference to the ICC's performance or procedure. Whether an African member state believes in the ICC's (il-)legitimacy because of the Court's *performance* or *procedure* can be measured by either identifying explicit references to one of the institutional features, or by analyzing the norms, standards, and values invoked by the state. Scholars, such as Schmidtke (2019), Tallberg and Zürn (2019), similarly focus on the norms, standards and values mentioned in reference to the IO that is being analyzed.

Consequently, I code a statement on the ICC made by an African representative with *performance* if it (a) directly refers to the ICC's mandate, externalities of the Court's actions, its raison d'être or consequences of its actions or (b) invokes norms, standards and values that are closely associated with the IO's performance, such as anti-impunity, peace, rule of law, reconciliation, human rights, and criminal accountability. In sum, a *performance* statement is concerned with the ICC's output. In contrast, I code a statement on the ICC with *procedure* if it (a) directly refers to the Court's decision-making, setup, interest representation, and state participation or (b) invokes norms, standards and values that are associated with the ICC's procedure, such as impartiality, proportionality, transparency, democracy, imperialism, and complementarity. In other words, a *procedure* statement is concerned with the Court's input and its way of conduct. The above enumeration of standards and norms is guided by existing literature on the 'Africa Problem', which

[8] In order to locate the statements concerned with the ICC in the UNGA transcripts, I search for the expressions "ICC", "Rome" and "Court" respectively.

has already identified the most prominent concepts employed in debates concerning the ICC (Bloomfield and Mills 2017; Labuda 2015; Lugano 2017; Nimigan 2021).

After I coded the UNGA documents, I assess the intensity of the ICC's legitimacy by calculating the percentage of positive statements from the entirety of legitimacy evaluation statements (Hurd 2019; Schmidtke 2019; Tallberg and Zürn 2019). Consequently, the higher the ratio between positive and negative evaluation statements, the more legitimate the ICC is considered to be: 100% positive statements equals full legitimacy, whereas 0% indicates full illegitimacy of the ICC. This calculation is repeated annually and for the respective subcategories – performance legitimacy and procedural legitimacy. The classification of states is similarly based on intensity. I assign a state to one of the four types according to its dominant discourse, i.e. which category most of the state's statements belong to. If the majority of a state's evaluation statements expresses the belief in the ICC's performance legitimacy, I consider this to be the state's primary perception of the ICC.

6. Analysis

6.1 Classification of Legitimacy Evaluation Statements

Table 3: Example statements

Legitimacy Type (Tone & Institutional Feature)	**Example Statement**
Performance Legitimacy	"The Prosecutor had told the Assembly of States Parties that he was looking carefully at atrocities committed in the conflict in the Democratic Republic of the Congo. His delegation would urge the Prosecutor to proceed expeditiously. The Court could make an important contribution to the search for peace and the promotion of the rule of law and democracy." – Tanzania in A/C.6/58/SR.9
Procedural Legitimacy	"Recognizing the non-retroactive nature of the Court's jurisdiction and its complementarity to national jurisdictions, he noted with satisfaction that the Rome Statute contained adequate safeguards to protect genuine national concerns and allay fears of possible erosion of national sovereignty." – Nigeria in A/C.6/57/SR.15
Performance Illegitimacy	"The International Criminal Court could not render justice if […] it failed to hold non-African States accountable." – Kenya in A/C.6/68/SR.14
Procedural Illegitimacy	"It was disappointing to note that international criminal justice was being applied selectively and that institutions such as the International Criminal Court were being used to advance the narrow interests of some powerful Member States at the expense of the less powerful. The Court's operations should at all times be guided by fairness and an objective assessment of situations." – Namibia in A/C.6/68/SR.7

In order to enable a better understanding of the general coding decision-making, Table 3 provides an example statement for each of the four types that make up the legitimacy typology. However, several statements made by African representatives were not easily assigned a category – for further details on such difficult coding decisions, please refer to Appendix B.

Overall, I identified and coded an entirety of 160 legitimacy evaluation statements. I found that exactly half of those statements were concerned with the ICC's procedure, while the other half addressed the ICC's performance legitimacy – see Figure 1. This implies that procedure and performance are equally important sources of the ICC's perceived legitimacy among the African member states that made legitimacy evaluation statements in the UNGA. It is a surprising finding, as one would expect procedure to be the primary source of legitimacy for a court, in contrast to a political institution, which is more commonly judged by its performance (Tallberg and Zürn 2019). The finding points to the widespread discussion about the ICC's political nature. Is the Court merely a judicial institution or is it inherently political? However, providing an answer to this complex question is not the aim of this paper.

Table 4 and Table 5 provide a better overview of the distribution of legitimacy evaluation statements across time and across African countries. Noticeable is the frequency of statements in the early years of the ICC's existence and in the years 2012 – 2014, shortly after the ICC's indictment of Al-Bashir. Between these two high frequency periods, statements evaluating the ICC's legitimacy were considerably rare. The distribution of statements across states is similarly unequal. Nigeria and Sierra Leone stand out due to the great number of statements they made, whereas Burkina Faso and Cabo Verde attract attention because of their issuance of only one statement each. 13 African countries, which are not included in Table 4, do not make a single legitimacy evaluation statement.

Table 4: Distribution of statements across countries

Country	Count
Botswana	4
Burkina Faso	1
Cabo Verde	1
Congo	3
DRC	13
Gabon	6
Gambia	3
Ghana	5
Kenya	13
Lesotho	3
Malawi	7
Mali	3
Namibia	2
Nigeria	20
Senegal	8
Sierra Leone	18
South Africa	16
Tanzania	16
Tunisia	4
Uganda	10
Zambia	4
Grand Total	**160**

Table 5: Distribution of statements across time

Year	Count
2002	28
2003	26
2004	20
2005	2
2006	3
2007	3
2008	5
2009	3
2010	5
2011	3
2012	10
2013	18
2014	10
2015	3
2016	2
2017	3
2018	5
2019	7
2020	4
Grand Total	**160**

Figure 1: Classification of legitimacy evaluation statements

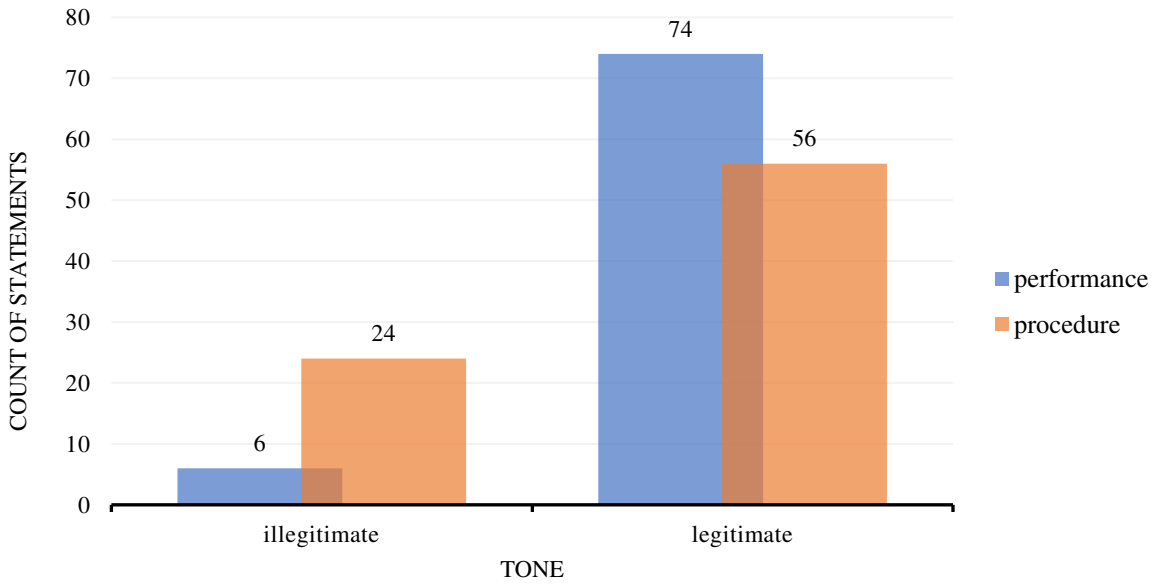

80
70
60
50
40
30
20
10
0
COUNT OF STATEMENTS
74
56
24
6
illegitimate
legitimate
TONE
performance
procedure

Table 6: Classification of legitimacy evaluation statements (in percentages)

	Legitimate	**Illegitimate**	***Total***
Performance	46.3%	3.8%	*50%*
Procedure	35%	15%	*50%*
Total	*81.3%*	*18.8%*	

Figure 1 and Table 6 visualize the distribution of statements among the four (il-)legitimacy types. Over the course of its existence between 2002 and 2020, the ICC has enjoyed a relatively high level of perceived legitimacy among African states of 81.3% overall. Only 18.8% of the legitimacy evaluation statements made by African member states expressed the belief that the ICC was illegitimate. According to my sample data, the Court does not seem to suffer from a major lack of legitimacy when examining the overall level of its legitimacy since 2002. This is rather surprising considering the severity of some accusations brought forward by African countries against the ICC (Labuda 2015). However, the fact that almost 20% of the legitimacy evaluation statements are negative should not be disregarded. The finding implies that while the ICC enjoys a considerably high level of sociological legitimacy, there is also noticeable doubt about its appropriate exercise of authority. However, such inferences from the data investigated must be treated with caution.

Examining the legitimacy subcategories, one finds that an astonishing 46.3% of evaluation statements consider the ICC legitimate based on its performance thus making it the dominant type. Compared to 35% procedural legitimacy, it can be inferred that African member states examined are more likely to perceive the Court as legitimate due to its performance rather than its procedure. This inference is underpinned by the fact that only 3.8% of statements demonstrate a disbelief in the Court's performance legitimacy, whereas 15% of statements refer to the ICC's procedure and express doubts about its appropriate use of authority. Comparing these last two figures shows how the Court lacks primarily procedural legitimacy. The African states that I examined in my research clearly question the Court's way of conduct, indicating a desire for change and reform of the ICC's procedure. Nonetheless, the Court appears to enjoy widespread support for its performance, i.e. its actions and execution of its mandate.

This finding is in line with previous literature on the 'Africa Problem', which argues that several African countries perceive the ICC as a political institution dominated by powerful Western interests, hence the Court's almost exclusive opening of cases on the African continent (Vilmer 2016). Some members have also voiced their dissatisfaction with indicting sitting heads of state, arguing for immunity for those high-ranking politicians. This objection to the ICC's way of conduct was particularly prevalent after the Court had issued an arrest warrant against Sudan's

then sitting president Al-Bashir (Keppler 2012; Mills 2012). Another criticism that has regularly been brought up by African states and which targets the ICC's procedure is the relationship between the UNSC and the Court in the Hague. In 2012, South Africa stated that "[i]n the 10 years since the Rome Statute had entered into force, the International Criminal Court had experienced challenges, resulting mainly from its difficult relationship with the Security Council" (U.N. A/C.6/67/SR.5). Several African countries and the AU oppose the UNSC influence on the ICC, particularly its ability to refer cases of non-Rome Statute parties to the Court (Olugbuo 2014). The aforementioned critiques are among the most frequent ones expressed by African member states and are directed at the ICC's procedure; thus, it does not come as a surprise that the Court's procedural legitimacy is substantially weaker than its performance legitimacy, according to the statements made in the UNGA.

The fact that there is rarely disbelief in the ICC's performance legitimacy implies that the Court has derived its legitimacy mostly from its performance, particularly from its raison d'être, as is apparent from the 6th Committee transcripts. African states have frequently motivated their belief in the Court's appropriate exercise of authority by referring to the gap in international criminal law that is being filled by the ICC. They argue that the Court ensures that impunity for the worst crimes is eliminated on an international level. Tanzania makes such a statement in the 57th session (U.N. A/C.6/57/SR.15).

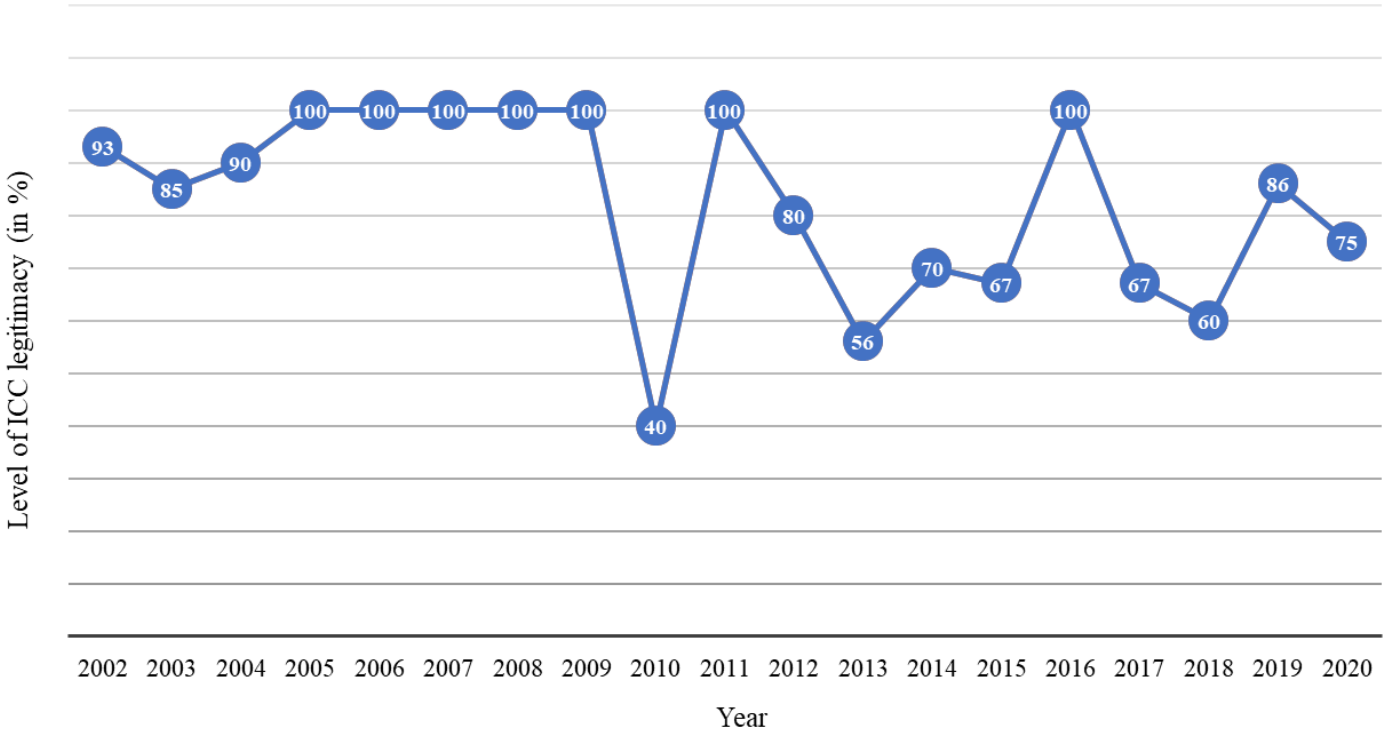
6.2 Evolution of ICC Legitimacy

However, in order to gain a deeper insight into the ICC's perceived legitimacy among its African member states, particular attention should be paid to temporal differences – Figure 2 illustrates the evolution of the Court's legitimacy since 2002.
I derived graph 2 from calculating the percentage of positive statements from the entirety of legitimacy evaluation statements per year. Consequently, a year in which every statement evaluates the ICC's legitimacy positively was given a score of 100%, indicating full legitimacy. However, I advise to interpret a legitimacy level of 100% with caution – for multiple reasons. Firstly, belief in the Court's legitimacy must not be confused with an absence of criticism, i.e. state parties might be convinced of the ICC's legitimacy but still regard certain aspects and actions of it questionable. Secondly, states' actions and visible commitment oftentimes diverge from their public statements. Countries might publicly state to believe in the Court's appropriate use of authority but hamper the ICC's actions on the ground at the same time. Consequently, I would like to emphasize that full legitimacy – 100% legitimacy – only indicates that all states making legitimacy evaluation statements in that year exhibited a stronger belief in the Court's legitimacy than its illegitimacy. Such beliefs can change rapidly.

As Figure 2 shows, sociological legitimacy of the ICC dropped below the 50% mark in 2010. However, except in that particular year, African member states believe that the ICC is more legitimate than illegitimate. Indeed, in the years 2002-2009, the Court's legitimacy was constantly

high, reaching even full legitimacy in some years (2005-2009). After 2010, full legitimacy was reached only two more times, namely in 2011 and 2016. Overall, the Court's legitimacy has shown increased volatility from 2010 onwards. Legitimacy levels were very stable and constantly high before that particular year. This change in perceived legitimacy coincides with the intensification of the conflict between the Court and some of its African state parties, i.e. the escalation of the 'Africa Problem'. The aforementioned inferences, however, are exclusively based on the 160 legitimacy evaluation statements assessed and it is difficult to judge whether those present African states' true stance towards the ICC.

Figure 2: Level of ICC legitimacy 2002 - 2020 (in percentages)[9]



What happened in 2010 that triggered legitimacy to drop to 40% and the subsequent fluctuations? 2010 is the year in which the ICC issued an arrest warrant against a sitting head of state for the first time in its history. The ICC indicted the then Sudanese president Al-Bashir after the Darfur case was referred to it by the UNSC in 2005. It appears that the UNSC referral of a non-Rome Statute party to the ICC did not negatively affect the Court's legitimacy among its African member states, even though it is oftentimes considered a questionable move. From 2005 up until 2009, the ICC's legitimacy remained high, according to the UNGA statements examined. Instead, the legitimacy drop seems to coincide with the indictment of President Al-Bashir in 2010. This implies

[9] A value of 0% indicates that the ICC has no perceived legitimacy whereas a value of 100% equals full legitimacy.

that the Court's legitimacy suffered more from it targeting high-ranking politicians that are still in office than from the UNSC's referral power over the Court in The Hague. This is in line with several other scholars who found that the indictment of Sudan's president Al-Bashir was the main trigger of the 'Africa Problem' (Bloomfield and Mills 2017; Keppler 2012; Mills 2012). However, I want to emphasize that this constitutes only a hypothesis, as I cannot draw causal inferences from the data available.

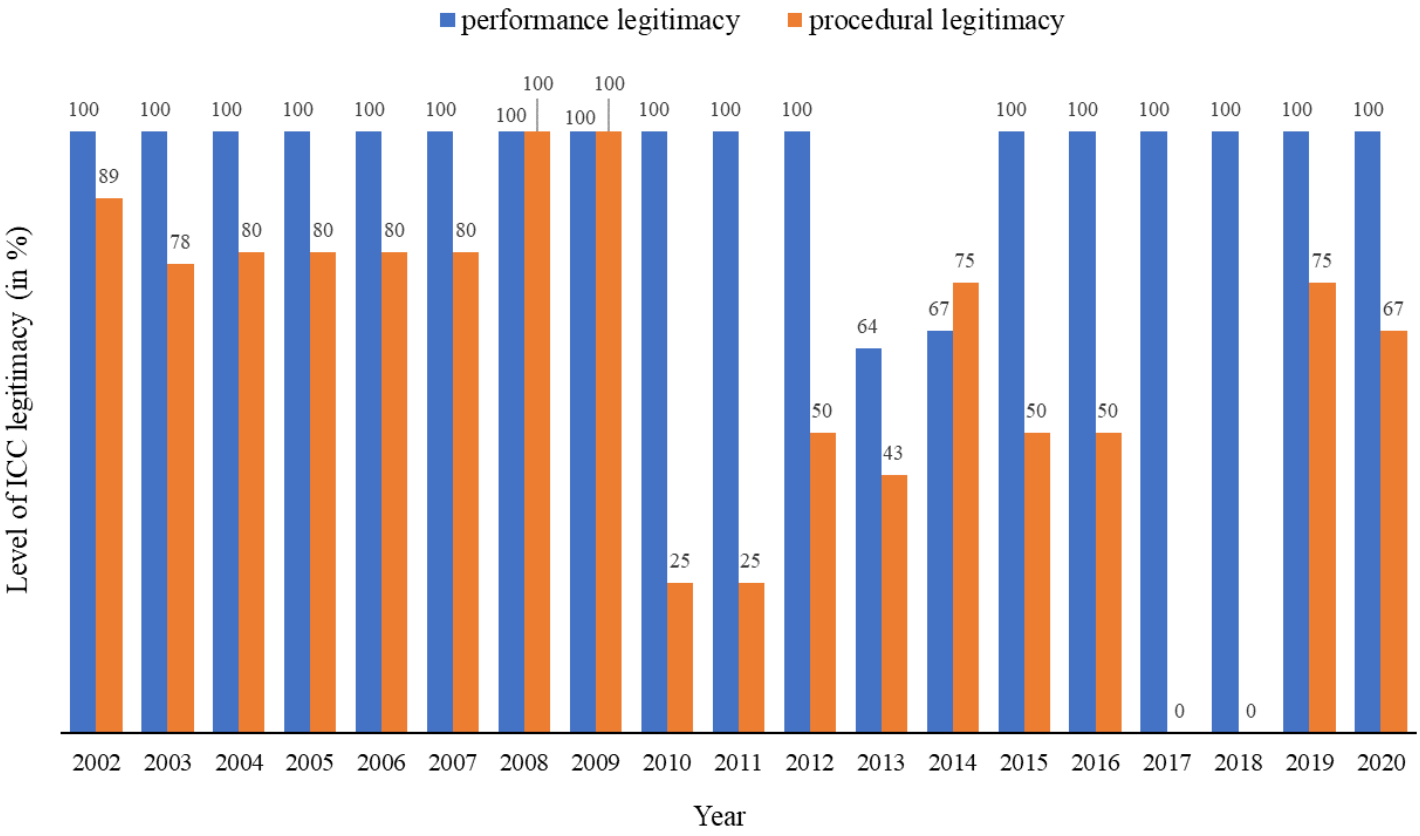
Nevertheless, contrary to the widespread claim that the entirety of the African continent rallied against the Court, in 2010, the ICC still enjoyed some 40% legitimacy among the African members assessed in this research. While it was probably the issuance of an arrest warrant against Al-Bashir that triggered the legitimacy crisis for the ICC, the incidence did not deteriorate the Court's legitimacy completely. The indictment and the subsequent outcry by some African countries rather weakened the robustness of ICC legitimacy, visible in intensified fluctuations from 2010 onwards. The legitimacy peak at 100% in 2011 underpins the claim that the consequences of the ICC's legitimacy crisis in 2010 should not be overrated. When looking more closely at the legitimacy subcategories in Figure 3 one finds that the legitimacy drop in 2010 was solely due to a major decrease in procedural legitimacy to 25%. Performance legitimacy remained at 100% up until 2013.

In fact, procedural legitimacy is consistently lower than the ICC's performance legitimacy over the entire time frame, except for the year 2014. That year and 2013 are the only two years in which African representatives contested the Court's performance legitimacy. While performance legitimacy thus appears very stable, the ICC's procedural legitimacy shows much more fluctuation. Furthermore, procedural legitimacy evaluation statements are much more clustered in individual years; I did not find references to procedural legitimacy in the years 2005-2007, 2011 and 2016. In those years, in which no statement referred to the Court's procedure neither in a positive nor in a negative tone, I copied the procedural legitimacy level from the year before, assuming that having no legitimacy evaluation statement implies no change in ICC legitimacy.

While my study is limited to African state parties that make legitimacy statements in the UNGA, I would like to highlight another interesting finding of my research, which is the ICC's full procedural illegitimacy in the years 2017 and 2018. In both years, African member states regarded the Court's procedure as fully illegitimate. What happened in those years? One big event was certainly the opening of the Burundi case by the OTP exercising its proprio motu power. However, statements made by states such as Zambia and Namibia do not directly refer to that case; instead, the two countries criticize the ICC's dealing with immunity of heads of states and the UNSC's influence on the Court in The Hague (U.N. A/C.6/73/SR.12; U.N. A/C.6/73/SR.9). Even though procedural legitimacy was at its lowest in those two years, overall ICC legitimacy remained at 67% and 60% respectively. Apparently, performance legitimacy was strong enough, i.e. a large number of positive performance evaluation statements was made, to compensate for the lack of

procedural legitimacy. In contrast, performance legitimacy was not strong enough to buffer the immense decrease in procedural legitimacy in 2010, resulting in the overall legitimacy drop in Figure 2.

Figure 3: Level of performance and procedural legitimacy 2002 - 2020 (in percentages)



Similar to Figure 2, Figure 3 suggests that some incident in 2010 negatively impacted the ICC's legitimacy leading to an almost consistently lower legitimacy level than before. The chart exhibits a strong decline in procedural legitimacy in that year and increased volatility of both legitimacy types in the subsequent years, implying that a moderate legitimacy crisis underlies the 'Africa Problem'. The indictment of Al-Bashir very likely played a role. However, there could also be other events that occurred in 2010 and affected the level of legitimacy of the Court, such as the opening of an investigation in Kenya by the OTP. Generally, I cannot make causal inferences with the research approach chosen in this paper and the results that I thereof obtained. An examination of a potential causal link between the indictment of Al-Bashir and the ICC's legitimacy is beyond the scope of this study.

6.3 Classification of African Member States

Even though the Court's legitimacy has suffered in the last decade, the great majority of African member states examined believes in the ICC's appropriate exercise of authority. As Table 7 illustrates, 13 countries primarily express their belief in performance legitimacy, another 6 African states demonstrate a predominant belief in the Court's procedural legitimacy; thus, a total of 19 African member states perceive the ICC to be more legitimate than illegitimate. Only two out of the 21 African states classified believe that the Court is primarily illegitimate; those two countries are Kenya and Namibia.[10] While Kenya is most critical of the ICC's performance, Namibia is solely concerned about the Court's input, i.e., its procedural legitimacy. I counted a total of five performance illegitimacy statements for Kenya and coded both of Namibia's only two legitimacy evaluation statements with procedure and illegitimate.

Table 7: Categorization of states according to their legitimacy beliefs

	Legitimate	**Illegitimate**
Performance	Botswana, Cabo Verde, Congo, DRC, Gambia, Ghana, Malawi, Mali, Senegal, Tanzania, Tunisia, Uganda, Zambia	Kenya
Procedure	Burkina Faso, Gabon, Lesotho, Nigeria, Sierra Leone, South Africa	Namibia

The 21 African countries depicted in the above table are the most vocal ones and dominate the discourse about the Court. In total, 34 African countries are or were members of the ICC. However, only those 21 African member states could be classified according to the legitimacy typology because I could not find a legitimacy evaluation statement made by any of the remaining 13 countries in the UNGA transcripts used for the analysis. These 13 state parties are silent on matters regarding the Court's appropriate use of authority, they neither express their support nor their opposition to the ICC's performance and procedure. They stand in stark contrast to countries such as Sierra Leone and Nigeria that had 18 and 20 legitimacy evaluation statements respectively. Together with South Africa and Tanzania, these states dominate the ICC discourse. Whereas Tanzania is primarily convinced of the Court's performance legitimacy, the other three member states demonstrate a stronger belief in the ICC's procedural legitimacy. Linking this back to the previous findings on the ICC's level of legitimacy, which indicated that the Court derives its legitimacy primarily from its performance, this implies that belief in the ICC's performance legitimacy is widespread, whereas procedural legitimacy is more clustered, i.e., a small group of

[10] Please refer to p. 16 and Appendix B for more information on the classification of states.

states vehemently expresses the belief in procedural legitimacy. However, I want to emphasize that these findings and subsequent inferences only apply to the statements of states analyzed.

The fact that South Africa's and Gambia's legitimacy evaluation statements are mostly positive is another interesting finding, as The Gambia and South Africa were among the few African member states that threatened to withdraw and even announced their withdrawal from the Rome Statute. However, in both instances, the withdrawal was eventually revoked (Nimigan 2021). One could speculate whether this finding underpins the argument that the two countries' withdrawal decisions were mostly motivated by domestic political interests rather than inappropriate conduct by the ICC. Pursuing this line of argumentation, a country can perceive the ICC as legitimate but still choose to withdraw from its Statute because the country's government could benefit from such an action domestically or regionally based on a cost-benefit calculation.

Indeed, scholars often argue that Kenya opposed and challenged the Court in The Hague out of self-interest, but in contrast to South Africa and Gambia, Kenya also openly contested the ICC's legitimacy as apparent in the above table, in which Kenya belongs to the performance illegitimacy category. As soon as the Court announced the opening of an investigation in Kenya due to election violence in 2010, the Kenyan politicians Kenyatta and Ruto initiated an anti-ICC campaign to rally domestic support behind their backs and avoid prosecution. They attacked the Court verbally, accusing it of partiality and even neocolonialism (Lugano 2017). Consequently, it is not surprising to find that Kenya falls in the performance illegitimacy cell. From its total of thirteen statements, five statements criticized the Court's performance legitimacy. This number of legitimacy evaluation statements also makes Kenya a particularly vocal state in the ICC discourse, which again is not surprising to find, as the country's leaders actively aimed to delegitimize the Court to escape prosecution. The fact that Kenya made only one evaluation statement in 2008 and another twelve statements in the years 2013, 2014 and 2015 illustrates Kenya's anti-ICC campaign, which it started once the Court targeted it.

While Namibia also expressed its disbelief in the Court's procedural legitimacy, it is not as dominant in the ICC discourse as Kenya. It merely made two legitimacy evaluation statements. Consequently, there is only one strong critic of the ICC – Kenya – but four very vocal legitimacy believers – Sierra Leone, Nigeria, South Africa, and Tanzania. This again underpins the previous finding that the ICC still enjoys a considerably high level of perceived legitimacy among its African members. The Court does not suffer from a major lack of legitimacy as some scholars claim (Magliveras 2017; Ssekandi and Tesfay 2017; Tallberg and Zürn 2019). While the 'Africa Problem' of the ICC is very real and should not be played down, it has not (yet) deteriorated the legitimacy of the Court in The Hague.

7. Conclusion

In this paper, I adopted a typological research approach to analyze the 'Africa Problem' of the ICC. Making use of discourse analysis, I examined the perceptions that the Court's African member states have of the ICC's legitimacy and classified the countries accordingly. Furthermore, I investigated the evolution of the Court's legitimacy and identified fluctuations and trends since the ICC entered into force in 2002. All of this was guided by the research question: *How do African member states' perceptions of the International Criminal Court's legitimacy differ and how have such perceptions evolved?*

Over the course of its existence between 2002 and 2020, the ICC's legitimacy has indeed undergone some changes. While the Court's legitimacy among its African member states started off at a considerably high level and demonstrated a high degree of stability, it experienced a steep decline in 2010 and has subsequently exhibited increased volatility. While I cannot claim with absolute certainty what exactly led to this sudden shift based on the data of this research, the indictment of former Sudanese president Al-Bashir in 2010 could have been the trigger. This in turn is in line with existing literature, which argues that the issuance of an arrest warrant against Al-Bashir marks the onset of the 'Africa Problem' (Keppler 2012; Mills 2012). However, the data also implies that previous scholarly work on the topic tends to exaggerate the crisis – at least in regard to the ICC's legitimacy. Even though the Court's legitimacy has suffered in the last decade, African members still consider the ICC more legitimate than illegitimate.

In fact, at closer examination, I found that the ICC's legitimacy deficit is primarily due to its procedure (input) rather than its performance (output). Member states that contest the Court's legitimacy do so mainly because they are dissatisfied with its procedure, such as its (im-)partiality, its relationship with the UNSC and its dealing with immunity of sitting heads of states. In contrast, the ICC's performance legitimacy is very strong; African member states consider the Court the core international institution to fight impunity and bring justice. However, the ICC must not ignore doubts regarding the appropriateness of its procedure. It should take such criticism seriously, engage actively in discussions with African states and consider making adjustments to its procedure.

The classification of African member states according to the legitimacy typology can additionally guide legitimacy strengthening strategies of the ICC. One of the core findings of this article is that most African state parties are first and foremost believers in the Court's performance legitimacy. Kenya and Namibia are the only two that perceive the Court to be more illegitimate than legitimate. This again implies that existing academic literature tends to hold onto false assumptions, for example that the AU's rather aggressive anti-ICC stance represents the majority of African states. However, my categorization of Kenya as a performance illegitimacy case confirms previous literature which argues that Kenya has intentionally engaged in an anti-ICC campaign, in order to delegitimize the Court and hence avoid prosecution.

Nonetheless, my research project also has its limitations and shortcomings. One might criticize the paper's quantitative approach to the topic, arguing that it overlooks more subtle and implicit criticism of the ICC's legitimacy. Furthermore, some African member states might simply not dare to publicly criticize the Court out of fear of public backlash, even if they were strongly convinced of its illegitimacy. Another possible shortcoming of my research is the limited amount of data on which the analysis is based, and which potentially undermines the robustness of my findings. Nonetheless, my typological research approach enabled me to find that there is indeed a majority of African member states that is relatively silently supporting the ICC. Those states remain most often neglected in literature on the topic, even though it is crucial to include them in a thorough analysis of the 'Africa Problem', in order to gain a holistic understanding of the crisis.

By examining the entirety of African member states rather than its most vocal opponents, I was able to generate some valuable new findings; my unbiased approach allowed me to detect that Tanzania, Sierra Leone, South Africa, and Nigeria are in fact vocal supporters of the Court's authority. My legitimacy typology allowed me to provide a more nuanced account of the 'Africa Problem' by discerning different interstate positions and temporal changes. Consequently, I challenge collectivity claims, which treat Africa as one entity, and common assumptions, for example that the Court suffers from a major lack of legitimacy. Such claims and assumptions paint a wrong picture of the relationship between the Court and its African members.

To further advance our understanding of the 'Africa Problem' and the ICC's relation with African countries, future research can build on the legitimacy typology and examine the causes of interstate differences. Additionally, academics can further elaborate on the typology by conducting more extensive discourse analysis, for example by analyzing more documents, which would enhance the robustness of findings. Another avenue for further research is to investigate for which events in 2010 there is a causal relationship with the Court's legitimacy drop in that year.

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About the author

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Appendix for Organizing Civil Resistance by Lars Heuver

1. Dataset, Coding and Codebook

The new dataset is constructed in four steps by using the statistical program R Studio. The first step was to include only nonviolent campaigns and discard campaigns that were coded as violent campaigns in the NAVCO dataset. The same process was used for the REVMOD dataset; only campaigns that were coded as nonviolent are included, campaigns that were coded as violent or mixed method were discarded. Next, campaigns that took place during the decolonization period were discarded. The reason for excluding these cases is that the dynamics and (global) context affected the outcome to a greater extent in comparison to the other campaigns that took place in different times. By excluding these cases, the reliability and chance for generalizability is increased. The third step was to cross-check between the two datasets and only the cases that are present in both datasets were included in the new dataset. To increase the confidence that the cases included were only nonviolent and contained all the information for the necessary variables, campaigns with missing information or had important variables that were coded as NA, were discarded. Lastly, for the purpose of triangulation, the remaining cases were cross-checked with the Global Nonviolent Action Database (GNAD) and *The People Power and Protests since 1945* (Carter et al. 2006). The GNAD is a project of Swarthmore College to provide comparative information about hundreds of cases of nonviolent action. *The People Power and Protests since 1945* is a bibliography of nonviolent action and brings together an extraordinary wealth of information on nonviolent campaigns. The result was a dataset (see Appendix II) that consists of 55 nonviolent campaigns in the period between 1953 and 2006 and includes 13 variables. Table 6 shows an overview and the number of campaigns after each step.

Step	NAVO 2.0(number of campaigns)	REVMOD (number of campaigns)
0	250	537
1	109	83
2	99	77
3	55	55
4	55	55

Table 6: Overview of construction of dataset and number of campaigns

The coding of variables 1 to 5 was relatively easy because both the REVMOD and NAVCO dataset already contained information on the name of the campaign, the start, end and duration of the campaign, and the location. This information was copied to the new dataset. Variables 7 to 13 are dichotomous. The coding of variable 6 'Goal' was informed by combining the similar codings of the REVMOD and the NAVCO datasets. The REVMOD dataset uses six outcome goals, namely overthrow, separate, expel, empire, counter revolution, and reform, and the NAVCO dataset also uses six campaign goals, namely regime change, significant institutional reform, policy change, territorial secession, greater autonomy, and anti-occupation. Although this variable will not be used initially in the analysis, three outcomes were possible for the variable 'Goal': campaigns were

coded as 1 when the goal was regime change, 2 when the goal was reform, and 3 when the goal was anti-occupation/separation.

Variable 7 'Outcome' was based on the achievement outcome goal in the REVMOD dataset and success in the NAVCO dataset. The REVMOD dataset makes a distinction between no success, partial success and complete success, whereas the NAVCO dataset distinguishes between campaign outcome successful within one year of peak of activities and otherwise. The dataset will code 0 when the campaign was not successful and 1 when a campaign generated success to some extent, by combining the measures partial and complete success. By doing so, this dataset makes no distinction between partial and complete success, but merely indicates that a campaign was successful to a certain degree.

Variable 8 'Formal' and variable 9 'Informal' were based on the GNAB dataset. When a campaign was named by its members, groups officially and formally joined forces to organize a campaign, or if political parties, labor organizations or other types of formal organization were the drivers of the campaign, the campaign was coded as 1 for variable 8 and 0 for variable 9. If this was not the case, meaning no formal organizations were the driving forces of the campaign, the campaign was coded as 0 for variable 8 and 1 for variable 9.

Variable 10 'Centralized' and variable 11 'Clustered' were based on the variable political command in the REVMOD dataset and the variable campaign structure in the NAVCO dataset. These variables in the dataset correspond with the degree of control of the campaign. REVMOD measures this in a 20-point scale, where 0-12 indicates low levels of control and 13-20 high levels of control. The NAVCO dataset makes a distinction between consensus-based participatory campaign structure and hierarchical command and control campaign structure. When a campaign was coded 0-12 in the REVMOD dataset and as consensus-based in the NAVCO dataset, it was coded as 0 for variable 10 and 1 for variable 11. If a campaign was coded 13-20 in the REVMOD dataset and as hierarchical based in the NAVCO dataset, it was coded as 1 for variable 10 and 0 for variable 11.

Variable 12 'Organizational Structure' combines the codings of variables 8 to 10. Campaigns that were code as both formal and centralized are coded as 1. Campaigns that were coded as both formal and clustered are coded as 2. Campaigns that were coded as both informal and clustered, are coded as 3. And campaigns that were coded as both informal and centralized, are coded as 4.

Variable 13 'Regime Type' is based on the coding of the regime in REVMOD dataset. This variable is based on the Polity IV index. Variable 13 was coded as 0 when the regime type is democratic and 1 if the regime type is autocratic. Table 7 provides an overview.

	Variable name	***Variable description***
1	Campaign	Name of the campaign
2	Year start	Year that the campaign started
3	Year end	Year that the campaign ended
4	Duration (in years)	Duration of the campaign in full years
5	Location	Country where the campaign took place
6	Goal	1 = regime change 2 = reform 3 = anti-occupation/separation
7	Outcome	0 = no success 1 = success
8	Formal	0 = no 1 = yes
9	Informal	0 = no 1 = yes
10	Centralized	0 = no 1 = yes

11	Clustered	0 = no 1 = yes
12	Organizational structure	1 = formal centralized 2 = formal clustered 3 = informal clustered 4 = informal centralized
13	Regime type	0 = democratic regime 1 = autocratic regime

Table 7: Overview variables, variable description, and coding of dataset

2. Dataset Civil Resistance Campaigns (1953-2006) for quantitative analysis

	Campaign	*Year start*	*Year end*	*Duration (years)*	*Location*	*Goal*	*Outcome*	*Formal*	*Informal*	*Centralized*	*Clustered*	*Organizational structure*	*Regime type*
1	East Germany Worker Uprising	1953	1953	0	East Germany	1	0	0	1	0	1	3	1
2	Poznan Protests	1956	1956	0	Poland	1	0	0	1	0	1	3	1
3	Anti-Jimenez	1958	1958	0	Venezuela	1	1	0	1	0	1	3	1
4	South Korea Student Revolution	1960	1960	0	South Korea	1	1	1	0	0	1	2	1
5	Anti-Karamanlis	1963	1963	0	Greece	1	1	1	0	1	0	1	1
6	Czech Anti-Soviet Occupation "Prague Spring"	1968	1969	1	Czechoslovakia	3	0	0	1	0	1	3	1
7	Anti-Khan	1968	1969	1	Pakistan	1	0	1	0	0	1	2	1
8	Poland Anti-Communist I	1968	1968	0	Poland	2	0	0	1	0	1	3	1
9	Poland Anti-Communist II	1970	1970	0	Poland	2	0	1	0	0	1	2	1
10	Croatian nationalists "Croatian Spring"	1970	1971	1	Yugoslavia	2	0	0	1	0	1	3	1
11	Thai student protests	1973	1973	0	Thailand	1	1	1	0	0	1	2	1
12	Carnation Revolution	1973	1974	1	Portugal	1	1	1	0	0	1	2	1
13	China Democracy Movement	1976	1979	3	China	2	0	0	1	0	1	3	1

	"Democracy Wall Movement"												
14	Argentina pro-democracy movement	1977	1983	6	Argentina	1	1	1	0	0	1	2	1
15	South Korea Anti-Junta "Bu-Ma Protests"	1979	1980	1	South Korea	1	0	0	1	0	1	3	1
16	Taiwan pro-democracy movement	1979	1985	6	Taiwan	2	1	1	0	0	1	2	1
17	Solidarity	1980	1989	9	Poland	2	1	1	0	1	0	1	1
18	Druze resistance	1981	1982	1	Israel	3	0	1	0	0	1	2	0
19	Pakistan pro-democracy movement	1983	1983	0	Pakistan	1	0	1	0	1	0	1	1
20	Diretas ja	1983	1984	1	Brazil	1	1	1	0	1	0	1	1
21	People Power Revolution	1983	1986	3	Philippines	1	1	0	1	0	1	3	1
22	Uruguay Anti-Military	1984	1985	1	Uruguay	1	1	1	0	1	0	1	1
23	South Korea Anti-Military / Pro-democracy	1986	1987	1	South Korea	1	1	1	0	0	1	2	1
24	Bangladesh Anti-Ershad	1987	1990	3	Bangladesh	1	1	1	0	0	1	2	1
25	Singing Revolution	1987	1991	4	Estonia	3	1	1	0	1	0	1	1
26	East Germany pro-democracy movement "Friedliche Revolution"	1988	1990	2	East Germany	1	1	1	0	0	1	2	1
27	8-8-88 Uprising	1988	1990	2	Burma	1	1	0	1	1	0	4	1

28	Lithuanian pro-democracy movement "Sajudis"	1988	1991	3	Lithuania	3	1	0	1	1	0	4	1
29	Committee for the Defense of Human Rights	1988	1991	3	Slovenia	1	1	1	0	1	0	1	1
30	Hungarian pro-democracy	1989	1989	0	Hungary	1	1	1	0	1	0	1	1
31	Tiananmen Square protests	1989	1989	0	China	1	0	0	1	0	1	3	1
32	Velvet Revolution	1989	1990	1	Czechoslovakia	1	1	0	1	1	0	4	1
33	Mongolian Anti-communist	1989	1990	1	Mongolia	1	1	1	0	1	0	1	1
34	Bulgaria Union of Democratic Forces	1989	1990	1	Bulgaria	1	1	1	0	0	1	2	1
35	Kyrgyzstan Democratic Movement	1989	1991	2	Kyrgyzstan	1	1	1	0	1	0	1	1
36	Public Against Violence	1989	1992	3	Slovakia	3	1	1	0	1	0	1	1
37	Kosovar-Albanian independence movement	1989	1999	10	Yugoslavia	3	0	1	0	0	1	2	1
38	Zambia Anti-Single Party	1990	1991	1	Zambia	1	1	1	0	1	0	1	0
39	Russia pro-democracy movement	1990	1995	5	Russia	2	1	1	0	1	0	1	1
40	Niger Anti-Military	1991	1992	1	Niger	2	1	0	1	0	1	3	1
41	Thai pro-democracy movement	1992	1992	0	Thailand	1	1	1	0	0	1	2	1
42	Nigeria Anti-Military	1993	1999	6	Nigeria	1	1	1	0	0	1	2	1

43	Anti-Milosevic "Bulldozer Revolution"	1996	2000	4	Yugoslavia	1	1	1	0	0	1	3	1
44	Anti-Diouf	2000	2000	0	Senegal	1	1	1	0	1	0	1	1
45	The March of the Four Directions	2000	2000	0	Peru	1	1	0	1	1	0	4	1
46	Kifaya	2000	2005	5	Egypt	1	0	1	0	0	1	2	1
47	Second People Power Movement	2001	2001	0	Philippines	1	1	0	1	1	0	4	0
48	Orange Revolution	2001	2004	3	Ukraine	1	1	0	1	0	1	2	1
49	Rose Revolution	2003	2003	0	Georgia	1	1	0	1	1	0	4	1
50	Tulip Revolution	2005	2005	0	Kyrgyzstan	1	1	1	0	1	0	1	1
51	Cedar Revolution	2005	2005	0	Lebanon	1	1	1	0	1	0	1	1
52	Anti-Thaksin	2005	2006	1	Thailand	1	1	1	0	0	1	2	0
53	Belarus Regime Opposition "Jeans Revolution"	2006	2006	0	Belarus	1	0	1	0	0	1	2	1
54	Anti-Calderon	2006	2006	0	Mexico	1	0	1	0	0	1	2	0
55	Nepalese Anti-government "Seven Party Alliance"	2006	2006	0	Nepal	1	1	1	0	0	1	2	1

Appendix for Unwrapping the 'Africa Problem' of the International Criminal Court: African perceptions of legitimacy by Valerie Kornis

Appendix A – Coding Scheme

Year	y_	2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
State	s_	Benin, Botswana, Burkina, Faso, Burundi, Cabo/Cape, Verde, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Djibouti, Democratic, Republic of the Congo, Gabon, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritius, Namibia, Niger, Nigeria, Senegal, Seychelles, Sierra Leone, South Africa, Tanzania, Tunisia, Uganda, Zambia
Institutional Feature (performance vs procedure)	i_performance	a) directly refers to the ICC's mandate, externalities of the Court's actions, and consequences of its actions or b) invokes norms, standards and values that are closely associated with the IO's performance, such as peace, rule of law, reconciliation, human rights, sovereignty, justice, criminal accountability, impunity
	i_procedure	a) directly refers to the Court's decision-making, setup, interest representation, and state participation or b) invokes norms, standards and values that are associated with the ICC's procedure, such as impartiality, proportionality, transparency, bias, democracy, imperialism, neocolonialism, Western tool, complementarity, sovereignty
Tone (il-/legitimacy)	t_legitimate	State implicitly or explicitly expresses belief that ICC's authority is appropriate, proper, or desirable.
	t_illegitimate	State implicitly or explicitly expresses belief that ICC's authority is inappropriate or undesirable.

Appendix B – Coding Decision-Making

One considerably difficult coding decision had to be made in document A/C.6/57/SR.15:

> Mr. Mwandembwa (United Republic of Tanzania) said that his country and the international community had witnessed with satisfaction the entry into force, on 1 July 2002, of the Rome Statute. The Preparatory Commission and its Chairman, in particular, had done a commendable job. His delegation also wished to extend its thanks for the assistance rendered to Tanzania and other developing countries, which had enabled them to participate in the sessions of the Preparatory Commission. The International Criminal Court was in a position to start its operations in the near future, once some issues had been settled, such as the election of the judges, the Prosecutor and the Registrar, and the definition of the crime of aggression. Tanzania was looking forward to the completion of that task.

The above statement by Tanzania frames the ICC in a very positive and supportive tone at the beginning and ends on a considerably critical note, pointing to negotiations about the representation of African states among the ICC's judges and the OTP. Coding this paragraph requires looking into the context, in which the statement is embedded and the issue that it refers to. The critical note at its end should not be neglected, as it points to an important issue in regard to the ICC's procedure. Consequently, this paragraph is divided into two parts; the first part is coded procedure and legitimate, while the second is ascribed the codes procedure and illegitimate. This allows me to capture the nuances of this statement, in which Tanzania does not only express its belief in the ICC's legitimacy, but also voices its concern with the adequate representation of African states among the ICC's staff, i.e. procedural illegitimacy.

A similar case can be found in document A/C.6/58/SR.10 paragraph 7, in which Uganda states that "[h]er Government hoped that in the election of the second Deputy Prosecutor priority would be given to African candidates, so that a proper balance between regions might be re-established". While this statement seems to express only a subtle discomfort with the underrepresentation of African states in the ICC, it is nonetheless a very important criticism of the ICC's procedure; thus, the statement must not be disregarded in the analysis. Consequently, I coded it as procedure illegitimate.

Appendix C – Classification of States according to the Legitimacy Typology

African member states were classified based on which of the four legitimacy type most of their evaluation statements belong to. Consequently, a state would belong to the performance legitimacy category (i.e. be considered a proponent of performance legitimacy) if most of the state's statements belonged to that category. However, in two instances – Ghana and Uganda – there was no one dominant category, which their statements could be ascribed to. Ghana had 2 procedural legitimacy statements, 2 performance legitimacy statements and 1 procedural illegitimacy statement. As can be seen, there is no one dominant category. Nonetheless, Ghana was classified as a performance legitimacy type because its 1 procedural illegitimacy statement renders its 2 procedural legitimacy statements somewhat weaker. I approached Uganda in the same way, which 4 procedural legitimacy statements, 4 performance legitimacy statements and 2 procedural illegitimacy statements. Consequently, it was classified as a performance legitimacy case.

Furthermore, it should be mentioned that Sudan and Egypt were very vocal in the ICC discourse. I found a considerable number of statements made by the two countries in the 6th Committee of the UNGA. However, those statements were not coded and included in the analysis because they are not member states of the ICC. There might also be another reason not to include them in an analysis of the ICC's perceived legitimacy among African states: these two countries actively decided not to ratify the Rome Statute and solely criticize the Court to intentionally undermine the its legitimacy because of self-interest – particularly Sudan, as Al-Bashir would want to escape prosecution. Consequently, these states would distort the picture of ICC legitimacy among African states if they were included in the analysis without accounting for their weight, i.e. number of statements made.

Appendix D – List of Legitimacy Evaluation Statements and their ascribed Codes

Source/Document	Statement/	Codes

	Quote	
A_C.6_57_SR.13-EN	58. Mr. Hoffmann (South Africa) said that the convening in September 2002 of the first Assembly of States Parties had confirmed the establishment of the International Criminal Court and had ushered in a new era in which the perpetrators of war crimes, crimes against humanity and genocide would no longer enjoy impunity.	i_performances_South Africat_legitimacy_2002
A_C.6_57_SR.13-EN	59. South Africa had signed and ratified the Rome Statute and had finalized legislation on implementation of the Statute, thereby becoming able to cooperate fully with the Court or prosecute in South Africa those who committed the crimes contemplated in the Statute.	i_procedures_South Africat_legitimacy_2002
A_C.6_57_SR.13-EN	60. Because of the importance of the Court, his Government was currently engaged in a budgeting process with the aim of paying its assessed contributions on time. It had also begun to consider the possibility of nominating a candidate for the position of judge of the Court.	i_procedures_South Africat_legitimacy_2002
A_C.6_57_SR.13-EN	61. His delegation urged all States which had signed the Statute to ratify it before the inauguration of the judges in April 2003. It appealed to the retracting States to reconsider their position. The Court deserved the support of all States of good will.	i_procedures_South Africat_legitimacy_2002
A_C.6_57_SR.13-EN	63. Mr. Kanu (Sierra Leone) said that Sierra Leone had been committed to the concept of a permanent international criminal court from the outset and had therefore participated in the 1998 Conference of Plenipotentiaries that had adopted the Rome Statute, and it had been one of the first countries to sign and	i_procedures_Sierra Leonet_legitimacy_2002
A_C.6_57_SR.13-EN	ratify that Statute. The establishment of the Court had provided the international community with the opportunity to punish the perpetrators of heinous atrocities. In 2000 Sierra Leone had requested United Nations assistance in setting up a special court to try persons responsible for crimes against humanity and violations of international humanitarian law in Sierra Leone. He urged those who had been against that idea to reconsider their position. The special court, which was fully operational, had ordered the commencement of the necessary investigations.	i_performances_Sierra Leonet_legitimacy_2002

A_C.6_57_SR.13-EN	64. His Government was confident that the International Criminal Court would gain universal acceptance. The Statute of the Court, with its complex review and admissibility procedure, provided for multiple safeguards against frivolous prosecutions, which should allay any apprehension on the part of States which were not parties to it. Sierra Leone would seek, together with its regional partners, an advisory opinion from the International Court of Justice on article 98 agreements.	i_procedures_Sierra Leone t_legitimacy_2002
A_C.6_57_SR.13-EN	65. With respect to the election of the judges of the Court, he fully subscribed to the criteria enunciated in article 36 of the Statute, especially the principle of the equitable distribution of seats.	i_procedures_Sierra Leone t_legitimacy_2002
A_C.6_57_SR.13-EN	67. He urged all States that had not yet done so to become parties to the Statute in order to make the Court truly universal.	i_procedures_Sierra Leone t_legitimacy_2002
A_C.6_57_SR.13-EN	77. Ms. Katungye (Uganda) said that the procedure adopted by the Assembly of States Parties for the election of judges, the Prosecutor and the Registrar was complicated and had given rise to concern among a number of member States. It was to be hoped that, once the judges had been elected, truly universal representation would be achieved. In that context, Uganda had decided to submit a candidate for election, Mr. Nsereko, a renowned scholar and a first-class criminal lawyer of high moral integrity. She urged States parties to give him their support. As for the recruitment of the staff of the Court, her delegation hoped that the process would be transparent and that the inequities that had occurred in other organs would not be repeated.	i_procedures_Uganda t_illegitimacy_2002
A_C.6_57_SR.13-EN	78. Her delegation, which had participated in the first meeting of the Assembly of States Parties and the meetings of the Preparatory Commission, called on all countries that had not acceded to or ratified the Rome	i_procedures_Uganda t_legitimacy_2002
A_C.6_57_SR.15-EN	7. Mr. Mwandembwa (United Republic of Tanzania) said that his country and the international community had witnessed with satisfaction the entry into force, on 1 July 2002, of the Rome Statute. The Preparatory Commission and its Chairman, in particular, had done a commendable job. His delegation also wished to extend its thanks for the assistance rendered to Tanzania and other developing countries, which had enabled them to participate in the sessions	i_procedures_Tanzania t_legitimacy_2002

A_C.6_57_SR.15-EN	of the Preparatory Commission. The International Criminal Court was in a position to start its operations in the near future, once some issues had been settled, such as the election of the judges, the Prosecutor and the Registrar, and the definition of the crime of aggression. Tanzania was looking forward to the completion of that task.	i_procedures_Tanzania t_illegitimacy_2002
A_C.6_57_SR.15-EN	8. With the International Criminal Court's jurisdiction to try cases of genocide, war crimes and crimes against humanity, there would be no room for impunity. The Court would be the correct replacement to remedy the deficiencies of the ad hoc tribunals and would provide a legal forum when national criminal justice institutions were unwilling or unable to act. Furthermore, it would provide a strong deterrence to potential criminals by giving them a clear warning that there was no place for them to hide.	i_performances_Tanzania t_legitimacy_2002
A_C.6_57_SR.15-EN	9. Tanzania had ratified the Statute of the International Criminal Court on 1 August 2002 and was willing and ready to cooperate with other States Members of the United Nations to advance the cause of the Court. Although the fast rate of acceptance of the Court was reflected in the number of ratifications, which currently stood at 81, that should not be cause	i_performances_Tanzania t_legitimacy_2002
A_C.6_57_SR.15-EN	10. He wished to reassure members that Tanzania was willing to work with all Member States to persuade those countries that had not yet joined the Court that it was in their interest to do so. The International Criminal Court was a reality that could not be ignored by those who opposed it. The political will of States was essential to make the acceptance of the Court universal.	i_procedures_Tanzania t_legitimacy_2002
A_C.6_57_SR.15-EN	15. Mr. Ndekhedehe (Nigeria) said that the establishment of the International Criminal Court represented a significant achievement in the global effort to end impunity for serious violations of international humanitarian law. Nigeria would continue to participate actively in every aspect of that process.	i_performances_Nigeria t_legitimacy_2002
A_C.6_57_SR.15-EN	Recognizing the non-retroactive nature of the Court's jurisdiction and its complementarity to national jurisdictions, he noted with satisfaction that the Rome Statute contained adequate safeguards to protect genuine national concerns and allay fears of possible erosion of national sovereignty.	i_procedures_Nigeria t_legitimacy_2002

A_C.6_57_SR.15-EN	16. The Court must function without any form of interference; furthermore, in order for it to become an impartial, truly independent and credible judicial institution, its judges must be persons of honour and integrity. Accordingly, his delegation urged States parties to the Rome Statute to ensure that judges of proven integrity and professional competence were elected to the Court, and that they reflected fair and equitable geographical representation in accordance with the provisions of article 36 of the Statute.	i_procedure s_Nigeria t_legitimate y_2002
A_C.6_57_SR.15-EN	17. Nigeria urged States Parties to the Rome Statute, other States Members of the United Nations and non-State actors to give the International Criminal Court all the support necessary to become a strong institution	i_performance s_Nigeria t_legitimate y_2002
A_C.6_57_SR.15-EN	18. Mr. Quartey (Ghana) said that Ghana had always supported and cooperated towards the establishment of the International Criminal Court. For the African countries, the existence of a tribunal with international jurisdiction that could prosecute the authors of genocide, crimes against humanity, war crimes and crimes of aggression was very important. His country was convinced that the Rome Statute had sufficient safeguards to guarantee that it would maintain a high standard of justice.	i_performance s_Ghana t_legitimate y_2002
A_C.6_57_SR.15-EN	20. Lastly, he expressed concern that certain States were not convinced of the Court's impartiality and were attempting to conclude special bilateral agreements that could impede its functioning.	i_procedure s_Ghana t_legitimate y_2002
A_C.6_57_SR.15-EN	44. Mr. Mezeme-Mba (Gabon) said that the establishment of a permanent international criminal court reflected the will of States to go beyond ad hoc tribunals and would be a palpable demonstration that	i_performance s_Gabon t_legitimate y_2002
A_C.6_57_SR.15-EN	45. The entry into force of the Rome Statute was a landmark in the history of international criminal justice. The Statute was an appropriate instrument for the punishment of the crimes set out therein and, his country hoped, in that regard, that work on the definition of the crime of aggression would soon be completed. His country had ratified the Statute and was ready to take all steps necessary to cooperate with the Court; to that end, it intended to revise its criminal code and law of criminal procedure, so as to incorporate the crimes and punishment mechanisms described in the Statute into its domestic law.	i_procedure s_Gabon t_legitimate y_2002

A_C.6_57_SR.15-EN	46. The important step of electing the judges and prosecutors of the Court had yet to be taken, and his country hoped that the principle of equitable geographical distribution would be applied so that all regions would be well represented.	i_procedures_Gabon t_legitimacy_2002
A_C.6_57_SR.15-EN	61. Mr. Lamba (Malawi) said that on 19 September 2002, his delegation had deposited at the United Nations the instrument of ratification of the Rome Statute, thus formally acceding to the International Criminal Court. In so doing, Malawi had demonstrated its commitment to the international political resolve to uphold the rule of law and break free of a long past characterized by gross violations of human rights. The Court was the most important guard against such crimes, which had gone on virtually unpunished, even in certain humanitarian actions purporting to mitigate human suffering, including in peacekeeping operations.	i_performances_Malawi t_legitimacy_2002
A_C.6_57_SR.15-EN	62. Malawi would like to see the functions and credibility of the Court being jealously protected and promoted by all States. The Court should consolidate its competence and independence, and that required the unequivocal commitment and vigilance of all States. It	i_procedures_Malawi t_legitimacy_2002
A_C.6_57_SR.15-EN	63. The Court must not become a virtual playground for narrow self-interests seeking to secure unjustifiable exemptions from prosecution for crimes that were punishable under the Statute. Therefore, it was the duty and responsibility of all States to promote acceptance of the Court and support for its decisions and rulings, however painful. Malawi would soon enact legislation to ensure complete complementarity between its national criminal justice system and the jurisdiction of the International Criminal Court.	i_procedures_Malawi t_legitimacy_2002
A_C-6_58_SR-10-EN	ratifying the Statute so that the Court might become truly universal, and drew the attention of those who feared a politicization of the Court's activities to the guarantees provided in the Statute.	i_procedures_Uganda t_legitimacy_2003
A_C-6_58_SR-10-EN	7. Her Government hoped that in the election of the second Deputy Prosecutor priority would be given to African candidates, so that a proper balance between regions might be re-established.	i_procedures_Uganda t_illegitimacy_2003

A_C-6_58_SR-10-EN	9. Her delegation welcomed the establishment of a permanent secretariat of the Assembly of States Parties, a process in which the United Nations had played an important part and towards which the non-governmental organizations, especially the NGO Coalition for an International Criminal Court, had greatly contributed, and hoped that such cooperation would continue in future. It was, however, aware of the difficulties that lay ahead. In particular, the Court had to be made better known to the public at large and a greater number of States had to be persuaded to accede to the Rome Statute. Support and commitment on the part of all Member States were indispensable, for only a Court that was truly effective could end the culture of impunity and, by so doing, contribute towards the maintenance of international peace and security.	i_performances_Uganda t_legitimacy_2003
A_C-6_58_SR-10-EN	8. As regards the investigations and prosecutions upon which the Prosecutor said he was ready to embark in connection with the events that had taken place in Ituri (Democratic Republic of the Congo), her country was willing to cooperate whenever asked to do so, but hoped that all information would be duly verified and that no credence would be given to unfounded allegations motivated by the wish to settle scores.	i_procedures_Uganda t_legitimacy_2003
A_C-6_58_SR-10-EN	32. Mr. Mezeme Mba (Gabon) said that the Court contributed towards the establishment of international peace and security and that the rising number of ratifications of the Rome Statute testified to the will of States to end impunity. He welcomed the election of	i_performances_Gabon t_legitimacy_2003
A_C-6_58_SR-10-EN	the judges and the Prosecutor, as well as the equitable representation of geographical regions, major legal systems and both sexes in the bodies established by the	i_procedures_Gabon t_legitimacy_2003
A_C-6_58_SR-10-EN	Court, but expressed the wish that Africa be represented in the Prosecutor's Office by being awarded the post of a deputy prosecutor, especially since, as the Prosecutor had indicated at the second Assembly of States Parties, the first prosecutions would undoubtedly take place in the Democratic Republic of the Congo. He deplored the fact that unanimity on the subject of the Court was still lacking, as well as the failure of many States to enact domestic legislation to implement the Rome Statute, a failure which threatened to hamper complementarity and cooperation. In that connection, he looked forward to the development of programmes of assistance to States in drafting national laws designed to bring the Rome Statute into force.	i_procedures_Gabon t_illegitimacy_2003

A_C-6_58_SR-10-EN	41. Mr. Kanu (Sierra Leone) said that considerable progress in the establishment of the Court had been achieved in 2002 and 2003, in particular with the election of the judges, Prosecutor, Deputy Prosecutor and Registrar, that of the members of the Board of Directors of the Victims Trust Fund, and the adoption of the programme budget for the Court's second financial year. He commended those attainments, which responded to the collective hope of mankind for an institution that would promote justice and the	i_procedures_Sierra Leone t_legitimacy_2003
A_C-6_58_SR-10-EN	primacy of law in international relations, and reaffirmed his country's attachment to justice and the rule of law and its unwavering support for the Court. Sierra Leone had signed the agreement on privileges and immunities of judges and officials of the Court the previous month, and had initiated procedures for the ratification of that agreement and for the incorporation of the Rome Statute in its domestic law. He welcomed	i_performances_Sierra Leone t_legitimacy_2003
A_C-6_58_SR-10-EN	the establishment of a fund designed to facilitate the participation of representatives of developing countries in meetings of the Assembly of States Parties, and expressed a strong wish for universal participation in the Court in the interests of reinforcing the fight against impunity. He urged the Secretary-General to	i_procedures_Sierra Leone t_legitimacy_2003
A_C-6_58_SR-10-EN	redouble his efforts towards the conclusion of an agreement on relations between the United Nations and the Court, and hoped that Africa would be represented in the Prosecutor's Office by a Deputy Prosecutor.	i_procedures_Sierra Leone t_illegitimacy_2003
A_C-6_58_SR-10-EN	55. Mr. Thiam (Senegal), while welcoming the establishment of the Court and the election of its members, as well as the rise in the number of States Parties which testified to growing interest in the Court, remarked that the introduction of a regime of international rule of law would, in the long run, depend on the will of States Parties to incorporate the standards set forth in the Rome Statute in their domestic legislations.	i_procedures_Senegal t_legitimacy_2003

A_C-6_58_SR-10-EN	56. For its part, Senegal, which was the first State to have ratified the Statute and had worked hard to increase the number of countries accepting the Court's authority, had incorporated in its own Criminal Code the three crimes referred to in the Statute by extending their definition from the point of view of the Geneva Conventions and the Protocols relating thereto. A provision had also been devoted to breaches of international law as set forth in the following instruments: the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1976 Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, and the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. A provision concerning hindrances to the administration of justice had also been adopted with a view to protecting the integrity of the Court. Provisions relating to the application of the principle of complementarity had been added to the Code of Criminal Procedure. In particular, it had been decided that the Dakar Court of Appeal and the Dakar Regional Court were the only two jurisdictions competent to	i_performances_Senegal t_legitimacy_2003

A_C-6_58_SR-10-EN	57. Ms. Matekane (Lesotho) noted with satisfaction that with the election and entry into service of its judges, the Court was now in a position to dispense credible and effective justice, thanks in large part to many years of untiring efforts to end the impunity of serious crimes of international impact by the United Nations, and in particular the Security Council, which had established special tribunals for Rwanda, the former Yugoslavia and Sierra Leone. She called upon all States Members of the United Nations that had not already done so to become parties to the Rome Statute and invited the States Parties to the Statute to take the necessary steps at national level with a view to effective cooperation with the Court. She also encouraged the Security Council and other United Nations organs to explore ways of enhancing their cooperation with the Court and the Assembly of States Parties and stressed the need to establish a balanced and constructive relationship between the United Nations and the Court in order to preserve the latter's independence. In her view, the International Criminal Court should continue to appear on the agenda of United Nations bodies, including the Sixth Committee.	i_procedures_Lesotho t_legitimacy_2003
A_C-6_58_SR-10-EN	58. All Member States should participate on an equal footing in the debate on the subject of the definition of the crime of aggression with a view to reaching consensus on that important issue. She commended the NGO Coalition for an International Criminal Court for its efforts in connection with the establishment of the Court and welcomed the technical assistance furnished to her country in discharging the obligations deriving from its accession to the Rome Statute. In conclusion, she welcomed the adoption of a resolution on the establishment of a special fund to finance the participation of the least developed countries in the work of Assemblies of States Parties.	i_procedures_Lesotho t_legitimacy_2003
A_C-6_58_SR-10-EN	59. Mr. Awanbar (Nigeria) noted with satisfaction that the Court had finally become operational with the election of its judges and senior officers and the conclusion of the work of the second session of the	i_procedures_Nigeria t_legitimacy_2003

A_C-6_58_SR-10-EN	60. Noting that the rising number of States Parties to the Rome Statute testified to greater confidence on the part of the international community in the Court's ability to end impunity of crimes against humanity, he said that his Government recognized that the Court's jurisdiction was non-retroactive and extended only to crimes committed after the entry into force of the Rome Statute. His Government also appreciated that the Court could exercise its jurisdiction only where the national jurisdiction could not or was unwilling to try the crimes referred to in article 17 of the Statute, and was convinced of the existence of guarantees to protect legitimate State interests.	i_procedures_Nigeria t_legitimacy_2003
A_C-6_58_SR-10-EN	61. His delegation wished once more to urge the Assembly of States Parties to elect a national of the African region to the post of Second Deputy Prosecutor in view of the need to ensure a balanced geographical representation, as well as of the fact that the first cases before the Court were to concern that region.	i_procedures_Nigeria t_illegitimacy_2003
A_C-6_58_SR-10-EN	62. Nigeria intended to continue its cooperation with other countries towards facilitating the work of the Court. He called upon States that had not already done so to become parties to the Rome Statute so as to ensure its universal recognition and implementation, and invited all States to enhance their cooperation with the Court and all other bodies concerned.	i_procedures_Nigeria t_legitimacy_2003
A_C-6_58_SR-10-EN	17. His country meant to take advantage of the prevention and suppression mechanism represented by the International Criminal Court. Those who continued to massacre civilian populations and to violate human rights and international humanitarian law would no longer be able to bank on impunity, and those who might be tempted to commit such crimes in future would be dissuaded by the risk of prosecution.	i_performances_DRC t_legitimacy_2003
A_C-6_58_SR-10-EN	18. Referring more particularly to acts recently committed in Ituri, he said that his Government welcomed the Prosecutor's declared intention to open an investigation. It would make all necessary arrangements to provide the Prosecutor with the collaboration and cooperation he would require. However, mindful of the principle of complementarity, it reserved the right to refer cases to the national courts.	i_performances_DRC t_legitimacy_2003

A_C-6_58_SR-10-EN	20. His delegation reaffirmed its support for the International Criminal Court, whose permanent nature and independence from the Security Council were guarantees of success. The Rome Statute must be observed to the letter in the interest of dispelling any suspicion of political deviation or partiality. Lastly, he thanked the Secretary-General and the Secretariat of the United Nations for their support in the establishment of the Court.	i_procedures_DRC t_legitimacy_2003
A_C.6_58_SR.9-EN	77. Mr. Mwandembwa (United Republic of Tanzania) said that the International Criminal Court was at last a reality, although the road to its formation had not been smooth. His Government had ratified the Rome Statute in August 2002 and was ready and willing to cooperate to advance the cause of the Court. The choice of competent and experienced individuals as judges and Prosecutor had allayed fears that the Court could not handle its heavy responsibilities.	i_procedures_Tanzania t_legitimacy_2003
A_C.6_58_SR.9-EN	78. Those States worried about interference with their sovereignty should bear in mind, first, that certain crimes under the jurisdiction of the Court affected the entire international community, and the investigation and punishment of such crimes could not be confined	i_performances_Tanzania t_legitimacy_2003
A_C.6_58_SR.9-EN	within national boundaries. Second, the Court had been founded on the principle of complementarity. The primary responsibility to prevent, control and prosecute the most serious crimes would still reside with the States where they were committed; the Court would only intervene if such States were unwilling or unable to prosecute.	i_procedures_Tanzania t_legitimacy_2003
A_C.6_58_SR.9-EN	79. The Prosecutor had told the Assembly of States Parties that he was looking carefully at atrocities committed in the conflict in the Democratic Republic of the Congo. His delegation would urge the Prosecutor to proceed expeditiously. The Court could make an important contribution to the search for peace and the promotion of the rule of law and democracy. A major	i_performances_Tanzania t_legitimacy_2003

A_C.6_59_SR.6-EN	9. Mr. Makayat Safouesse (Republic of the Congo) said that, in signing and ratifying the Rome Statute, his Government had been convinced that the establishment of the International Criminal Court constituted a turning point in the strengthening of international justice and the battle against impunity. Subscribing to the objectives of the Court would constitute a powerful defence against the recurrent threat of heinous crimes against peace and international security and of violence that might engulf the whole world.	i_performances_Congo t_legitimacy_2004
A_C.6_59_SR.6-EN	the Court was operational, and the Relationship Agreement would enable the Court to take its place in the United Nations system. His Government would continue its efforts to harmonize his country's legislation with the provisions of the Rome Statute, but it looked forward to receiving technical assistance from the international community so that it could implement the Statute. It was on the point of signing the Agreement on Privileges and Immunities and was determined to join with other States in working to achieve the Court's aims.	i_procedures_Congo t_legitimacy_2004
A_C.6_59_SR.6-EN	14. The Democratic Republic of the Congo had therefore welcomed the decision of the Prosecutor of the International Criminal Court to open an investigation, the Court's first, into the serious crimes committed in Ituri since the Rome Statute had come into force. His Government had formally referred the situation in the entire national territory since 1 July 2002 to the Prosecutor to determine whether one or more specific persons should be charged with the commission of crimes within the jurisdiction of the Court. The Prosecutor had found that there was a reasonable basis to proceed with the investigation of some 5,000 to 8,000 murders and other crimes. To facilitate the Prosecutor's task, on 6 October 2004 his Government had signed a cooperation agreement with the Court to ensure protection for the investigators, guarantee them easy access to the records and provide them with means of communication in all parts of the country. As a further step to ensure that the Court could act with independence, confidence and security in the country, on 12 October 2004 the Government had signed an interim protocol of agreement on the immunities and privileges of the Court, to cover the period until the process of acceding to the Agreement on the Privileges and Immunities of the International Criminal Court could be completed.	i_performances_DRC t_legitimacy_2004

A_C.6_59_SR.6-EN	victims and reassurance among the entire population traumatized by conflict, since it was felt that the Court's action would discourage the commission of new atrocities. There was keen interest among the victims in the possibility that the Court could order reparations. Given the high expectations of the Congolese people, an awareness-raising campaign would be necessary to inform the public about the basic rules of the Court, so that victims would have a realistic idea of what claims they could justly bring and what rights they had to participate in the proceedings.	i_performances_DRC t_legitimacy_2004
A_C.6_59_SR.6-EN	17. The Democratic Republic of the Congo reaffirmed its commitment to the Court and urged full respect for the integrity of its Statute. It welcomed the accession of Burundi, Guyana and Liberia as further steps towards universality and hailed the signing of the Relationship Agreement between the Court and the United Nations as evidence of their determination to make common cause against impunity.	i_procedures_DRC t_legitimacy_2004
A_C.6_59_SR.6-EN	20. Mr. Kanu (Sierra Leone) said that the horrendous crimes committed in his country demonstrated that absence of the rule of law created an atmosphere in which the commission of crimes under international law was not only possible, but could even flourish. The rule of law was therefore an essential ingredient of justice and accountability and the International Criminal Court was the sine qua non for reinforcing the fundamental principle of individual criminal	i_performances_Sierra Leone t_legitimacy_2004
A_C.6_59_SR.6-EN	21. Despite the strides taken towards making the Court a functioning institution, much work still needed to be done to establish a fully effective international criminal justice system with the Court at the helm. Even universal ratification of the Rome Statute would not be enough; the Statute had to be incorporated in domestic law through implementing legislation, especially in countries with a dualist legal system. His Government was thinking of organizing a consultative conference to enable civil society, members of parliament, lawyers and judges to provide input into the implementation process	i_procedures_Sierra Leone t_legitimacy_2004

A_C.6_59_SR.6-EN	22. The Assembly of States Parties had tremendous responsibilities to the Court and, by extension, to the new international criminal justice system. It should therefore develop mechanisms and expertise for fulfilling its mandate effectively. One possible means of achieving that goal might be to restructure meetings of the Assembly of States Parties with a view to maximizing participation, efficiency and oversight of the Court. For that reason, his delegation endorsed the recommendation that the Assembly of States Parties should establish a number of subsidiary bodies which would also meet outside regular sessions of that Assembly. Furthermore, his Government was strongly in favour of the Court establishing a New York liaison office, since many developing countries had no representatives in The Hague and it was important for the Court to have a close relationship with the United Nations. Cooperation between the two bodies would clearly be fostered by the Relationship Agreement, which would, in addition, give the Court access to the vital support of the United Nations	i_procedures_Sierra Leone t_illegitimacy_2004
A_C.6_59_SR.6-EN	23. A number of non-governmental organizations had made an invaluable contribution to the establishment of a fair, transparent and credible international criminal justice system and had facilitated the participation of many delegations from developing countries in the third session of the Assembly of States Parties. His own Government had an unfettered commitment to democracy, the rule of law and the independence of the Court and it would work tirelessly to ensure the Court's effective operation.	i_procedures_Sierra Leone t_legitimacy_2004
A_C.6_59_SR.6-EN	third session in The Hague, at the very seat of the Court. His delegation urged all States parties to renew their efforts to assist the Court in the commencement of its operations, including by paying their contributions in full and on time. The commencement of operations would encourage undecided States to become parties and lead to universal acceptance of the Court. His delegation wished to commend the Democratic Republic of the Congo and the Republic of Uganda for referring situations to the Prosecutor, and the Prosecutor for agreeing to take the initiative in investigating events in those countries. As a close neighbour, the United Republic of Tanzania pledged full cooperation with the Court in its efforts. His Government had already signed the Agreement on the Privileges and Immunities of the International Criminal	i_performances_Tanzania t_legitimacy_2004

A_C.6_59_SR.6-EN	Court, and the ratification process was under way. The Agreement was of the utmost importance, since the Court did not enjoy the privileges and immunities of the United Nations. The Tanzanian Ministry of Justice was also considering the best way to address the important question of implementing legislation. His delegation wished to thank all those involved in setting up and contributing to the trust fund for the participation of the least developed countries in the activities of the Assembly of States Parties.	i_procedures_Tanzania t_legitimacy_2004
A_C.6_59_SR.6-EN	51. Mr. Grey-Johnson (The Gambia) said that the Court had made great progress, and his delegation was very pleased that all the institutional arrangements were fully operational. The cases referred to the Court by the Democratic Republic of the Congo and Uganda, the constitution of the pre-trial chambers and the opening of the investigations in those cases marked a victory for the Court and an affirmation of confidence in it. All who believed in the pursuit of justice and the rule of law should be energized by that fact alone. Such confidence was increasing at an impressive pace, but it was not yet time to become complacent. Universality remained the final goal, and all delegations should work together to that end.	i_performances_Gambia t_legitimacy_2004
A_C.6_59_SR.6-EN	53. Progress had not been achieved by accident, but through commitment, dedication and unflinching support for the Court and its mandate. The future belonged to those who were determined to confront impunity, not to the Court's detractors, and the Gambia would do everything it could to advance the Court's interests.	i_performances_Gambia t_legitimacy_2004
A_C.6_59_SR.6-EN	64. His delegation welcomed the Relationship Agreement between the Court and the United Nations, since a close working relationship between the two was essential. In that context, his delegation urged the Security Council to make use of the authority granted to it by the Rome Statute to make referrals to the Court, where appropriate. The number of ratifications of the Rome Statute was encouraging, but he urged States that had not yet done so to ratify the Statute.	i_procedures_South Africa t_legitimacy_2004

A_C.6_59_SR.6-EN	69. Her delegation welcomed the fact that the Court would pronounce on the cases of the Democratic Republic of the Congo and northern Uganda, where the gruesome massacre of innocent civilians by the self-styled Lord's Resistance Army continued. Entire villages had been wantonly laid waste and their inhabitants hunted down, killed, raped or grievously maimed. It was therefore very encouraging that investigative teams had been sent to assess the situation in readiness for pre-trial proceedings. Her delegation trusted that reconciliation could ultimately be achieved and at the same time that others would	i_performances_Uganda t_legitimacy_2004
A_C.6_59_SR.6-EN	72. Mr. Awanbor (Nigeria) said that the recently concluded Relationship Agreement between the United Nations and the International Criminal Court marked a new phase of mutually beneficial cooperation between the two bodies. His delegation commended the Court as a global judicial institution that would fight impunity and ensure respect for international humanitarian law. The judges and principal officers of the Court, with their impeccable records, professionalism and competence, would ensure that the Court would be independent and impartial. The large	i_procedures_Nigeria t_legitimacy_2004
A_C.6_59_SR.6-EN	number of States parties to the Rome Statute was encouraging, in that it was indicative of the international community's growing confidence in the Court's ability to combat impunity, genocide, war crimes and other crimes against humanity.	i_performances_Nigeria t_legitimacy_2004
A_C.6_59_SR.6-EN	73. Since the Court was still a relatively young institution, his delegation believed that the Assembly of States Parties should hold its meetings alternately in The Hague and New York, on a yearly basis, in line with the provisions of article 112 of the Rome Statute. Such an arrangement would enhance the Court's political visibility in New York, where there was already global representation, and would encourage the participation of many more developing countries,	i_procedures_Nigeria t_illegitimacy_2004
A_C.6_59_SR.6-EN	74. His delegation believed that the relationship between the Court and the ad hoc international criminal tribunals was complementary. It therefore expected the Court to follow the precedents already set by the three ad hoc tribunals. Lastly, his delegation called on States that had not yet done so to become parties to the Statute, since only universal adherence would engender the desired confidence in the Statute.	i_procedures_Uganda t_legitimacy_2004

A_C.6_59_SR.9-EN	gaps in existing international conventions. However, it was not enough merely to provide a legal framework covering all aspects of the problem; effective international cooperation resting on the implementation of the pertinent international legal instruments and the exercise of properly resourced international criminal justice were equally vital to standard-setting. His Government therefore welcomed the promising start made by the International Criminal Court and the useful work done by the Counter-Terrorism Committee.	i_performances_Senegal t_legitimacy_2004
A_C.6_61_SR.20-EN	4. At the international level, her Government wished to join other members of the international community in ensuring that respect for the rule of law was upheld. Recognition of the jurisdiction of the International Criminal Court and of the tribunals for the former Yugoslavia and Rwanda would reaffirm the collective will to end impunity for serious violations of international law. If the rule of law was disregarded, treaties would become redundant. After signature and	i_performances_Zambia t_legitimacy_2006
A_C.6_61_SR.7-EN	55. However, strengthening international law and the rule of law was not the exclusive domain of the Security Council. The current debate in the Sixth Committee gave credence to the view that the General Assembly also had a significant role to play in that regard. Indeed, the corpus of opinio juris sive necessitatis of the Assembly had played an important role in strengthening the rule of law and contributing to the progressive development of international law. In addition, the world now had a permanent international criminal court that would contribute significantly to the promotion of international law, the rule of law and justice. Universal acceptance of its Statute was therefore imperative.	i_performances_Sierra Leone t_legitimacy_2006
A_C.6_61_SR.8-EN	unwilling to observe the rules of international humanitarian law. In addition, the International Criminal Court would be playing an important role in the protection of civilians in armed conflict. Lastly, he paid tribute to the vital work of ICRC in promoting international humanitarian law.	i_performances_Ghana t_legitimacy_2006

A_C.6_62_SR.15-EN	13. The challenge was one that no State in a post-conflict situation could face alone, and that was the reason for his country's recourse to the International Criminal Court. The Court was about to begin its first trial, the case of The Prosecutor v. Thomas Lubanga Dyilo and had had a first appearance in the case of The Prosecutor v. Germain Katanga. The fact that Congolese nationals were the first alleged criminals to be referred to the new Court reflected the need for justice felt by the Congolese people. Although his delegation was aware that primacy of jurisdiction by the national courts was the rule, the current criminal justice system in his country was inadequate to meet the post-conflict challenges of dealing with such crimes as rape as a weapon of war, organized crime and money-laundering, arms trafficking and illegal exploitation of natural resources. Moreover, despite serious efforts to improve the penitentiary system, nearly everywhere prison conditions were deplorable, even life-threatening. Given the situation, the Government's determined efforts to create a just, reliable, honest and effective system of justice in accordance with the principles of the Charter of the United Nations and of international law and to carry out its national plan of action for the promotion and protection of human rights merited international technical and financial assistance.	i_performance s_DRC t_legitimate y_2007
A_C.6_62_SR.15-EN	20. At the international level, the Security Council had, of course, primary responsibility for the maintenance of international peace and security. Strengthening the rule of law, however, was not the exclusive domain of the Council; the General Assembly and its committees also had an important role to play. It was, however, regrettable that the development of the principles of international law, especially in the area of transitional justice, had not been accompanied in equal measure by practical assistance for States or international organizations to help them meet their responsibilities. In that connection, he urged universal acceptance of the Rome Statute of the International Criminal Court, which his Government pledged to incorporate into the country's domestic legal system very shortly. He urged States to ratify international instruments and fulfil their treaty obligations by incorporating such instruments into their national legislation. That was the most basic way to enhance the rule of law at the international level.	i_performance s_Sierra Leone t_legitimate y_2007

A_C.6_62_SR.16-EN	22. Her delegation also commended the International Criminal Court for its efforts to end impunity and encouraged cooperation between the Security Council and the Court to bring to justice the perpetrators of the gravest international crimes, namely, war crimes, crimes against humanity and genocide. The United Republic of Tanzania welcomed Japan's accession to the Rome Statute and encouraged all Member States to accept the Court's jurisdiction with a view to strengthening the rule of law.	i_performances_Tanzania t_legitimacy_2007
A_C.6_63_SR.7-EN	23. The rule of law required the effective administration of justice in order to prevent impunity and consolidate and maintain a lasting peace. His country had seen first-hand the irreplaceable role that justice played in achieving social harmony, national reconciliation, peace, security and stability. It therefore supported the international courts, including the work of the International Criminal Court, with which his Government was cooperating fully in the trials of Congolese nationals. Although his delegation was aware that primacy of jurisdiction by national courts was the rule, the current criminal justice system in his country was inadequate to meet the post-conflict challenges of dealing with such crimes as rape as a weapon of war, organized crime and money laundering, arms trafficking and illegal exploitation of natural resources.	i_performances_DRC t_legitimacy_2008
A_C.6_63_SR.8-EN	3. Impunity for crimes against humanity, genocide, war crimes and other crimes of concern to the international community must not be tolerated. As a founding member of the International Criminal Court, South Africa cooperated fully with the ad hoc tribunals set up by the Security Council.	i_performances_South Africa t_legitimacy_2008
A_C.6_64_SR.12-EN	52. Mr. Mukongo Ngay (Democratic Republic of the Congo) said that the establishment of the ad hoc tribunals and the International Criminal Court had provided a means of combating impunity for jus cogens crimes at the international level. However, impunity was also combated at the national level through the application of universal jurisdiction. Two examples were the prosecution of Adolf Eichmann by Israel in 1961 for his involvement in the Holocaust and the prosecution of a number of Rwandan nationals in Belgian courts for crimes committed during the 1994 genocide. While some took the view that the Court's establishment would render universal jurisdiction obsolete, his delegation believed that it remained a legitimate principle. Moreover, the limits on the jurisdiction of the Court and the ad hoc tribunals and	i_performances_DRC t_legitimacy_2008

A_C.6_64_SR.12-EN	53. Despite the increasing importance of universal jurisdiction, recent examples of its application had provoked impassioned reactions and diplomatic tensions. The current initiative by the African Union was merely the tip of the iceberg. Nonetheless, international criminal justice was a reality; even if the perpetrators of grave international crimes evaded the ad hoc tribunals and the International Criminal Court, universal jurisdiction meant that they could not be sure of escaping with impunity.	i_performances_DRC t_legitimacy_2008
A_C.6_64_SR.12-EN	62. The concept of universal jurisdiction was distinct from the work of the International Criminal Court in that it related to the obligation of national courts to investigate and prosecute grave international crimes. The Court's jurisdiction was limited to crimes committed after the entry into force of its Rome Statute, which, moreover, had not been universally ratified. The need for effective application of universal jurisdiction therefore remained relevant; in other words, where the Court's jurisdiction could not be invoked, the principle of universal jurisdiction should apply. However, there should be fairness, uniformity and consistency in its application in order to guard against the risk of exploitation.	i_procedures_Kenya t_legitimacy_2008
A_C.6_64_SR.8-EN	Zambia intended to recognize the compulsory jurisdiction of the International Court of Justice and reaffirmed its commitment to combat impunity and strengthen universal justice through the International Criminal Court and ad hoc international tribunals.	i_performances_Zambia t_legitimacy_2009
A_C.6_64_SR.9-EN	restored peace in Ituri and North Katanga, and intended to do so throughout its territory, preferably through national justice but, if necessary, through international justice. It supported the international courts, including the work of the International Criminal Court, with which his Government was cooperating fully.	i_performances_DRC t_legitimacy_2009

A_C.6_64_SR.9-EN	42. His delegation fully supported the call by the Secretary-General for Member States to cooperate with existing international institutional mechanisms established to support the rule of law. Such cooperation would strengthen the global judicial framework to enable it to deliver justice in a fair and transparent manner. His country was deeply committed to its obligations under international law, including its responsibilities as a party to the Rome Statute of the International Criminal Court. Any lack of respect for the rule of law should be reviewed by national courts as well as international legal forums such as the International Criminal Court and the International Court of Justice.	i_procedures_Botswana t_legitimacy_2009
A_C.6_65_SR.10-EN	fied optional protocols to human rights instruments permitting individual complaints or grievance procedures. In addition, the Constitutive Act of the African Union accorded the Union the power to intervene in the affairs of its member States in situations of genocide, war crimes and crimes against humanity.	i_procedures_Malawi t_illegitimacy_2010
A_C.6_65_SR.10-EN	61. The call for clarification of the scope and application of the principle of universal jurisdiction should not be taken to mean that the African States were not committed to the fight against impunity. African States had supported the establishment of the ad hoc tribunals for Rwanda and Sierra Leone, and the majority of African States were parties to the Rome Statute of the International Criminal Court. Many had	i_performances_Malawi t_legitimacy_2010
A_C.6_65_SR.10-EN	62. Nor were the African countries alone in their concerns; what they and other like-minded States were demanding was for the international community to adopt measures to put an end to the abuse and political manipulation of the principle of universal jurisdiction. In the absence of a clear definition and agreement as to the scope of application of the principle, chaos would result if States or domestic tribunals arrogated to themselves the power to make international law to suit parochial national interests.	i_procedures_Malawi t_illegitimacy_2010

A_C.6_65_SR.11-EN	65. Several decades ago, during the consideration of the draft Code of Offences against the Peace and Security of Mankind, no consensus had been reached on the scope of universal jurisdiction under customary international law. The issue of universal jurisdiction had been deferred to the day when a permanent international criminal court would be established. The Rome Statute of the International Criminal Court had created such an institution, and once its membership became truly universal, a case could be made for universal jurisdiction in respect of crimes specified in the Statute: genocide, crimes against humanity and war crimes.	i_procedures_Ghana t_illegitimacy_2010
A_C.6_65_SR.9-EN	32. Nevertheless, several initiatives had been taken at the national level, despite the severely weakened state of the judicial system, to prevent and punish crimes of sexual violence and provide support for victims. The Sexual Violence Act, adopted in August 2006, had amended the Criminal Code, incorporating the rules of international humanitarian law relating to crimes of sexual violence and addressing the need to protect the population groups that were most vulnerable to such crimes. At the same time, the military courts were taking steps to deal with the issue, as evidenced by several recent verdicts, including the conviction and sentencing to life imprisonment of a group of soldiers for mass rape and crimes against humanity in the Songo-Mboyo trial. In that case, the court had directly invoked the Rome Statute of the International Criminal Court, finding that rape committed systematically on a mass scale against a civilian population constituted a crime against humanity.	i_procedures_DRC t_legitimacy_2010
A_C.6_66_SR.5-EN	conflict and post-conflict situations. It was committed to supporting the International Criminal Court and lauded the work of other international criminal tribunals, which had helped to substantially strengthen the rule of law. Referring to the Peacebuilding Commission, she stressed the importance, in the process of supporting transitional justice in countries emerging from conflict, of bringing perpetrators to justice and building a foundation for peaceful, stable and democratic societies based on the rule of law.	i_performances_Tanzania t_legitimacy_2011
A_C.6_66_SR.5-EN	54. He commended the work of the General Assembly as an illustration of deliberative democracy and that of the International Criminal Court, which played an important role in promoting the rule of law by holding those responsible for the commission of the most serious international crimes accountable for their actions.	i_performances_South Africa t_legitimacy_2011

A_C.6_66_SR.6-EN	66. Mr. Nejmeddine Lakhal (Tunisia) said that his delegation, too, looked forward to the high-level meeting. Since the uprising of January 2011 that had brought an end to the dictatorship in Tunisia, his Government had undertaken a set of thoroughgoing reforms aimed at building the rule of law from a foundation of democracy and strict respect for human rights. In addition to granting amnesty for all political prisoners, it had decided to ratify various international human rights conventions, including the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Demonstrating its firm support for the international community's efforts to end impunity, it had also ratified the Rome Statute of the International Criminal Court.	i_performances_Tunisiat_legitimacy_2011
A_C.6_67_SR.12-EN	48. Universal jurisdiction was distinct from, but complementary to, the jurisdiction of international judicial institutions, which also played a key role in international efforts to end impunity and promote justice and peace. The International Criminal Court, in particular, had made a valuable contribution to those efforts and to the enforcement of international humanitarian law. However, the Court dealt with serious crimes only after the fact; a mechanism for preventing them was also needed. For that reason, her Government had proposed the creation of an international constitutional court empowered to rule that national laws or constitutions violated international law or that elections had not been conducted in accordance with the democratic principles enshrined in international law and in human rights instruments. The creation of such a court would encourage Governments to give effect to the universal principles of democracy and freedom and prevent violence and loss of life.	i_performances_Tunisiat_legitimacy_2012
A_C.6_67_SR.12-EN	56. Universal jurisdiction should not overlap with the exercise of jurisdiction by international criminal courts or courts established pursuant to multilateral treaties and agreements. The International Criminal Court and other special courts were already competent to prosecute the most serious crimes of international law and international humanitarian law; greater collaboration by States with those institutions could only strengthen international justice and the international legal order.	i_performances_Congot_legitimacy_2012

A_C.6_67_SR.21-EN	122. South Africa had sought to balance the need to combat impunity and the need to protect human rights through the adoption of instruments such as the Implementation of the Rome Statute of the International Criminal Court Act of 2002. Recalling the	i_performances_South Africa t_legitimacy_2012
A_C.6_67_SR.23-EN	6. The obligation to extradite or prosecute was a matter of customary law and, like the related subject, universal jurisdiction, remained controversial except where enshrined in treaties binding on States parties. To resolve the impasse on those twin subjects, it would be necessary to stop referring the issue of universal jurisdiction back and forth between the Committee and the International Law Commission and to place the responsibility for progress on the Committee's Working Group on the scope and application of the principle of universal jurisdiction. In the end, the answer might lie in the universality of the Rome Statute.	i_procedures_Ghana t_legitimacy_2012
A_C.6_67_SR.5-EN	77. His Government was committed to ensuring respect for the rule of law at all levels and to complying with its international obligations, including the numerous multilateral treaties to which it was a party. It attached great importance to States' responsibility to end impunity by prosecuting those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law in conflict and post-conflict situations. In that regard it supported the work of the International Criminal Court and applauded the contribution of other international criminal tribunals to ending impunity, strengthening the rule of law and institutionalizing human rights.	i_performances_Tanzania t_legitimacy_2012
A_C.6_67_SR.5-EN	90. His Government was committed to fighting impunity for serious crimes. Although, in accordance with the principle of complementarity, States had primary responsibility for ensuring accountability and justice, where domestic justice systems were unwilling or unable to investigate or prosecute perpetrators of serious crimes the international community had to step in to prevent impunity. His delegation applauded the contributions of the International Criminal Court and the various ad hoc international criminal tribunals to the fight against impunity and the promotion of justice, accountability and the rule of law. In the 10 years since	i_performances_South Africa t_legitimacy_2012
A_C.6_67_SR.5-EN	the Rome Statute had entered into force, the International Criminal Court had experienced challenges, resulting mainly from its difficult relationship with the Security Council, but there had	i_procedures_South Africa t_illegitimacy_2012

A_C.6_67_SR.5-EN	also been significant achievements, notably the adoption of amendments to the Rome Statute defining and giving the Court jurisdiction over the crime of aggression.	i_procedures_South Africa t_legitimacy_2012
A_C.6_67_SR.6-EN	35. The principle of the equality of States was an important element in the promotion of the rule of law, which needed to be strengthened in the name of fairness at both the national and international levels and to be based on the core principles of the United Nations, reaffirmed in the 2005 World Summit	i_procedures_Nigeria t_illegitimacy_2012
A_C.6_67_SR.6-EN	Outcome. It should therefore preclude selectivity in the observance and enforcement of international law. The International Court of Justice and other international tribunals had an important role in the peaceful resolution of international disputes, while the International Criminal Court and other international criminal tribunals had contributed to ending impunity; Member States should continue to give them all necessary support.	i_performances_Nigeria t_legitimacy_2012
A_C-6_68_SR-7-EN	90. It was disappointing to note that international criminal justice was being applied selectively and that institutions such as the International Criminal Court were being used to advance the narrow interests of	i_procedures_Namibia t_illegitimacy_2013
A_C.6_68_SR.13-EN	61. Universal jurisdiction was distinct from, but complementary to, the jurisdiction of international criminal tribunals, which also played a key role in international efforts to end impunity. The International Criminal Court, in particular, had made a valuable contribution to those efforts. However, the Court dealt with serious crimes only after the fact; a mechanism for preventing them was also needed. For that reason, her Government had proposed the creation of an international institutional court as an advisory jurisdictional body responsible for ensuring respect for democratic principles and human rights, in line with the activities of the United Nations and regional organizations. Such a court would also fulfil an evaluation function: it would ensure that laws, regulations and practices in different countries were consistent with generally recognized principles of public governance, such as the principle that power	i_performances_Tunisia t_legitimacy_2013
A_C.6_68_SR.14-EN	27. The concept of universal jurisdiction was distinct from the work of the International Criminal Court, which was complementary to national criminal jurisdictions and ensured that effective prosecution measures were taken at the national level in respect of the most serious crimes of concern to the	i_procedures_Kenya t_legitimacy_2013

	international community, with enhanced international cooperation	
A_C.6_68_SR.14-EN	and, where necessary, capacity-building. The preamble of the Rome Statute, while recognizing the primacy of national criminal jurisdictions, recalled that it was the duty of every State to exercise its criminal jurisdiction over the perpetrators of serious crimes. However, that court's superficial, erroneous and politically motivated interpretation and implementation of the Rome Statute in relation to Kenya was highly prejudicial to the national, regional and international interests of that country, which was an active, cooperating State party with a rich history of local jurisprudence. The International Criminal Court could not render justice if it disregarded the views of African States, failed to	i_procedures_Kenyat_illegitimacy_2013
A_C.6_68_SR.14-EN	respect their sovereign institutions and failed to hold non-African States accountable.	i_performances_Kenyat_illegitimacy_2013
A_C.6_68_SR.14-EN	28. The international justice system must respect the interdependence of peace, security and justice. The international community should therefore refrain from adopting a narrow and agenda-driven interpretation of the role of universal jurisdiction that excluded other processes relevant to international and national peace. Instead, it should advocate an inclusive and carefully calibrated international justice system with clear benchmarks, transparency and achievable standards, and should be willing to examine and amend the system in order to respond to the complexity of current global democracies and social realities. There was a need to build on the gains of reconciliation rather than simply meting out punishment. In that regard, the application of universal jurisdiction should not be an end in itself but part of a process towards lasting peace.	i_performances_Kenyat_illegitimacy_2013

A_C.6_68_SR.14-EN	42. Mr. Muhumuza (Uganda) said that it was important for the international community to agree on the scope and application of the principle of universal jurisdiction; the establishment of the Working Group was a positive development to that end. Uganda was committed to combating impunity, having been the first country to refer a case to the International Criminal Court and having surrendered fugitives from international jurisdiction to the appropriate tribunals on many occasions. Thus, its concerns regarding the scope and application of universal jurisdiction should not be taken to suggest that it wished to shield the perpetrators of heinous crimes from accountability.	i_performances_Uganda t_legitimacy_2013
A_C.6_68_SR.18-EN	52. In considering that purported gap, his delegation noted that, while the Rome Statute, unlike the Genocide Convention, did not specifically provide that States should enact the necessary legislation to give effect to it and provide for penalties for persons guilty of an offence, it was implicit in the Statute that States parties must criminalize the most serious crimes in order to give effect to their obligations under the instrument. Furthermore, the preamble to the Statute clearly stated that States parties must ensure the effective prosecution of crimes "by taking measures at the national level and by enhancing international cooperation". Therefore, in order to properly implement the Rome Statute, a State must criminalize the crimes set out therein and implement the provision made for the arrest and surrender of individuals sought by the International Criminal Court. The cornerstone of the Rome Statute system was complementarity; that meant that domestic jurisdiction took precedence over the International Criminal Court, which was utilized only as a court of last resort. The entire system created by the Rome Statute required States to be in a position to investigate and prosecute serious crimes, including crimes against humanity, which had been sufficiently and clearly defined in the Rome Statute.	i_procedures_South Africa t_legitimacy_2013
A_C.6_68_SR.18-EN	strengthening of the domestic capability to investigate and prosecute serious crimes. To that end, South Africa served as a co-focal point for complementarity within the Assembly of States Parties to the Rome Statute. There were a number of projects and mechanisms in place to assist States in giving practical effect to the Rome Statute, including by putting in place domestic legislation so as to ensure that the system created by the Rome Statute, which depended on complementarity, worked in practice.	i_procedures_South Africa t_legitimacy_2013

A_C.6_68_SR.18-EN	57. The prosecutorial strategy of the International Criminal Court had focused on those most responsible for the most serious crimes. In order to ensure that there was no impunity and that all persons responsible for serious crimes were held accountable, more efforts needed to be made to promote domestic prosecutions through a system of inter-State cooperation. In that regard, the Court's role must be further examined in order to ensure that it delivered on its mandate for justice and accountability in a sustainable wa	i_performances_South Africat_illegitimacy_2013
A_C.6_68_SR.18-EN	58. The Commission should pursue with caution any topic that could undermine the Rome Statute system. States that had not ratified the Statute might deem it	i_performances_South Africat_legitimacy_2013
A_C.6_68_SR.6-EN	to those rules severely hampered the development of international relations exclusively based on the rule of law. His delegation commended the role of international courts, notably the International Court of Justice and the International Criminal Court, in helping to create a more just and peaceful world.	i_performances_Senegalt_legitimacy_2013
A_C.6_68_SR.6-EN	was privileged to host in Arusha. The establishment of the International Criminal Court as a mechanism for combating impunity had been possible only with the support of Africa. It was therefore regrettable that a rift had grown between the Court and the continent owing to the Court's perceived unresponsiveness to legitimate African concerns. His delegation believer that a balance could be struck that allowed for greater empathy without undermining the Court's integrity or the confidence of its member States.	i_procedures_Tanzaniat_illegitimacy_2013
A_C.6_68_SR.6-EN	41. The work of the ad hoc criminal tribunals for Rwanda and the former Yugoslavia had given special impetus to the establishment of the International Criminal Court. The United Republic of Tanzania commended their accomplishments and pledged its support for the International Residual Mechanism for Criminal Tribunals, one branch of which his country	i_performances_Tanzaniat_legitimacy_2013

A_C.6_68_SR.8-EN	2. At the international level, her Government continued to uphold and promote the purposes of the Charter and of international treaties. In its commitment to fighting impunity, Kenya had ratified the Rome Statute of the International Criminal Court, which recognized the duty of every State to exercise criminal jurisdiction over the perpetrators of serious crimes. It had domesticated the principles and provisions of the Statute in its new Constitution and in its International Crimes Act, and had cooperated with the Court even when it was politically difficult to do so. However, the	i_performances_Kenyat_legitimacy_2013
A_C.6_68_SR.8-EN	mechanical manner in which the Rome Statute was currently being interpreted and applied made little accommodation to the concerns of a cooperating State party and was often highly prejudicial to that State's national, regional and international interests. It was, in fact, counterproductive and antagonistic to the ideals of fighting impunity and promoting national healing and reconciliation and reparation for victims. Cooperation between the Court and a State party should be mutual.	i_proceduress_Kenyat_illegitimacy_2013
A_C.6_68_SR.8-EN	The system of international justice should ensure respect for the fundamental nexus between peace, security and justice. To contend that a State's methods and choices of action in the legal and administrative aspects of the cases had no bearing where the Court was concerned and to ignore the political consequences of the outcome of the cases was naive. It was perhaps time to give more thought to the principle of complementarity, in other words, to the principle that	i_performances_Kenyat_illegitimacy_2013
A_C.6_68_SR.8-EN	5. Gross violations of international humanitarian law in recent years, notably the lack of protection of civilians in conflict situations, increased targeting of woman and children and the use of sexual violence as a method of warfare, were matters of grave concern. Where such violations were suspected, the matter should always be investigated in a thorough and independent manner without politicization. Significant progress had been made in the fight against impunity through the establishment of the International Criminal Court; support for the Court should be an imperative for the Sixth Committee.	i_performances_Lesothot_legitimacy_2013

A_C.6_69_SR.11-EN	31. In Burkina Faso, a law implementing the Rome Statute of the International Criminal Court had been adopted in 2010. As well as defining the crimes subject to that Statute, determining the relevant competent authorities and providing for punishment, it was also applicable to other crimes, such as those recognized in the 1949 Geneva Conventions and their Additional Protocols. The country's judges could therefore exercise universal jurisdiction in respect of the crimes listed in those instruments, which were unanimously recognized by the international community.	i_procedures_Burkina Faso t_legitimacy_2014
A_C.6_69_SR.12-EN	8. Nigeria had contributed extensively to the evolution of the principle of universal jurisdiction in criminal matters as developed within the International Criminal Court and was also continuing to work with other States parties to the Rome Statute to ensure that its application by the Court was equitable and practical, especially where it might affect a State's political stability. The 1949 Geneva Conventions and Additional Protocol I thereto provided the legal basis not only for authorizing the exercise of universal jurisdiction but also for such jurisdiction becoming	i_procedures_Nigeria t_legitimacy_2014
A_C.6_69_SR.12-EN	43. Universal jurisdiction was distinct from, but complementary to, the jurisdiction of international criminal tribunals, which also had a key role in international efforts to end impunity. The International Criminal Court, in particular, was making a major contribution to those efforts. Its success in promoting	i_performances_Tunisia t_legitimacy_2014
A_C.6_69_SR.12-EN	50. Mr. Waweru (Kenya) said that where the principle of universal jurisdiction was applicable, it should be exercised fairly, uniformly and consistently, without abuse or selectivity, and without undermining the essential principles governing relations among States. The concept of universal jurisdiction was distinct from the work of the International Criminal Court, which was complementary to national criminal jurisdiction and ensured that effective prosecution measures were taken at the national level, with enhanced international cooperation and, where necessary, capacity-building. The preamble of the Rome Statute, while recognizing the primacy of	i_procedures_Kenya t_legitimacy_2014

A_C.6_69_SR.12-EN	51. Universal jurisdiction should be exercised in good faith and in accordance with other principles of international law. The rule of law should be maintained, and impartial, prompt and fair hearings should be guaranteed. The current superficial and erroneous interpretation and implementation of the Rome Statute in relation to Kenya was highly prejudicial to the national, regional and international interests of that country, which was an active, cooperating State party with a rich history of local jurisprudence. It was an interpretation driven by a political agenda rather than by a concern to combat impunity or seek lasting peace or justice; it was having	i_procedures_Kenyat_illegitimacy_2014
A_C.6_69_SR.12-EN	a disruptive effect on Kenya's democratically elected Government and its people; it had pushed the State into a constitutional crisis and forced it to perform legal gymnastics in order to meet its international obligations under that instrument.	i_performances_Kenyat_illegitimacy_2014
A_C.6_69_SR.12-EN	52. The insistence that the President of Kenya should personally attend the status conference of the International Criminal Court — which he had agreed to do, despite extraordinary public duties, after first delegating full presidential powers to a deputy, thereby protecting the sovereignty of the State — ran counter to the very fabric of the Rome Statute. It was unacceptable; no State should ever be placed in such circumstances.	i_performances_Kenyat_illegitimacy_2014
A_C.6_69_SR.15-EN	22. There was no lack of jurisprudence in respect of international humanitarian law; its history went as far back as biblical times and many of its provisions were accepted as customary law by which all States were bound. There was, however, instead a need for political leadership and the commitment of States to abide by their international obligations. War and the prospect of war remained a constant, with civilians, particularly women, children and the aged, comprising 80 to 90 per cent of victims. All States had the moral duty to investigate and prosecute gross violations of international humanitarian law. In that regard, her Government would continue to show strong support for the Rome Statute of the International Criminal Court and the work of the Court, which was a credible international legal institution that sought to eliminate impunity for grave crimes.	i_performances_Sierra Leonet_legitimacy_2014

A_C.6_69_SR.7-EN	the people of the world. It would continue to support and work with the United Nations and with regional and subregional organizations to promote world peace and security, striving for a world in which the territorial integrity and sovereignty of all States and the fundamental rights of all people were respected by other nations. It would also strive for the end of colonialism in the remaining non-self-governing territories and would continue to promote the African position on the reform of the United Nations, seeking to reach a common understanding that would pave the way towards an inclusive, united, transparent and accountable Security Council. It would continue to support and strengthen the International Criminal Court in the fight against impunity and would support all United Nations initiatives geared towards ensuring fulfilment of the responsibility of States to protect their people. It would remain faithful to the Constitutive Act of the African Union and to the protocols of the Economic Community of West African States on peace, democracy and stability and would support all African Union processes seeking to promote democratic principles and institutions and human rights.	i_performance s_Sierra Leone t_legitimate y_2014
A_C.6_69_SR.7-EN	87. At the international level, Malawi stringently upheld the Charter of the United Nations and was convinced that only through adherence to its principles could international relations be conducted in a fair and peaceful manner. Malawi was also a signatory to the Rome Statute of the International Criminal Court and a member of International Court of Justice, and it strongly believed that countries should have recourse to those institutions whenever possible in order to resolve misunderstandings. Through its active membership in the Southern African Development Community and the African Union, it sought to promote international understanding, cooperation and the rule of law among countries. The rule of law must be observed not only at the domestic level, but also in the international arena in order for peace to thrive and social and economic development to take place.	i_performance s_Malawi t_legitimate y_2014

A_C.6_70_SR.12-EN	97. Extraterritorial jurisdiction should be invoked only as a secondary means, in cases where the national jurisdiction was unwilling or unable to address a matter. Caution must therefore be exercised in the application of the principle of universal jurisdiction, lest impunity at the national level be replaced by impunity at the international level, under the guise of universal jurisdiction. The jurisdiction of the International Criminal Court should not be confused with universal jurisdiction. The fact that some States were not held accountable for international crimes reflected a double standard. The overt politicization of the use of universal jurisdiction was a concern the Committee should address. Where the principle of universal jurisdiction was applicable, it should be exercised fairly, uniformly and consistently, without abuse or selectivity, and without undermining the essential principles governing relations among States. Kenya, like other African States, was concerned about	i_procedures_Kenyat_illegitimacy_2015
A_C.6_70_SR.23-EN	14. With regard to draft article 2 (General obligation), it went without saying that the obligation to prevent and punish crimes against humanity must apply both in peacetime and in time of armed conflict. His delegation agreed that the term "armed conflict" implicitly included both international and non-international armed conflict, as was shown by recent developments in international jurisprudence; however, it would do no harm to state explicitly that the term covered both international and internal armed conflict, in line with article 5 of the Statute of the International Tribunal for the Former Yugoslavia. His delegation agreed that the text of draft article 3 (Definition of crimes against humanity) should be drawn from the definition contained in article 7 of the Rome Statute, with the necessary contextual changes. That definition had not only been accepted as a treaty provision by the 123 States parties to the Rome Statute, but had also been incorporated in the domestic legislation of many States and was being applied in practice by the International Criminal Court. It had therefore probably obtained the status of customary international law. Lastly, his delegation agreed with the approach taken in draft article 4 (Obligation of prevention); South Africa had already adopted domestic legislation and procedures with a view to preventing crimes against humanity. It went without saying that exceptional circumstances could not be invoked as a justification of crimes against humanity.	i_procedures_South Africat_legitimacy_2015

A_C.6_70_SR.8-EN	the International Criminal Court and other tribunals to close the impunity gap and ensure that States were held responsible for protecting their citizens' rights.	i_performances_Botswana t_legitimacy_2015
A_C-6_71_SR-3-EN	77. Over the years, Uganda had succeeded in driving terrorists groups out of its territory, but remnants continued to operate from neighbouring countries. The Lord's Resistance Army was on the run in the Central African Republic, while the Allied Democratic Forces were scattered in the eastern region of the Democratic Republic of the Congo. All States must cooperate to eradicate the remnants of those groups. Such cooperation had led to the arrest of Dominic Ongwen, a senior commander of the Lord's Resistance Army, who was standing trial for war crimes and crim	i_performances_Uganda t_legitimacy_2016
A_C-6_71_SR-7-EN	65. As a party to many multilateral treaties, Botswana had a passion and a desire to contribute to a strong international justice system as a catalyst for sustained peace, prosperity, development and social growth. Having learned from lessons of the past, it was a peace-loving nation that supported the principle of self-determination of all peoples who were still under colonial rule or foreign occupation. It was unequivocal in its support for victims of atrocities, crimes against humanity, war crimes and genocide. Botswana was also a friend and supporter of the International Criminal Court, the only permanent court of last resort to fight against impunity. The country's support for strong international legal frameworks, including all international tribunals, was born of a conviction that those who committed international crimes of grave concern must be held accountable, irrespective of their power, influence or status. Just as all nations enjoyed sovereign equality, all persons should be treated as equal before the law.	i_performances_Botswana t_legitimacy_2016
A_C-6_72_SR-6-EN	38. The International Criminal Court had an important role to play in combating impunity and promoting the rule of law, hence the need for universal accession to the Rome Statute.	i_performances_Senegal t_legitimacy_2017

A_C-6_73_SR-9-EN	33. Legal certainty was central to the rule of law at the national and international levels. Member States must understand their rights and obligations under international treaties to exercise and fulfil them. The law must be transparent and predictable both at the international level and at the national level to ensure fair implementation. In the pursuit of legal certainty, States members of the African Union had decided to seek an advisory opinion from the International Court of Justice on the question of immunity of Heads of State regarding the relationship between articles 27 and 98 of the Rome Statute of the International Criminal Court and the obligations of States parties under international law. The current uncertainty had also affected non-States parties to the Rome Statute. Namibia urged Member States to support the adoption of a resolution by the General Assembly to refer the question to the Court for clarification.	i_procedures_Namibia t_illegitimacy_2018
A_C.6_73_SR.12-EN	such as the new anti-terrorism law of 2018, which covered cases where there was no extradition agreement in force between Zambia and the other State concerned. His Government was also willing to enter into cooperation agreements with foreign authorities and law enforcement agencies in order to ensure that the perpetrators of terrorist acts were brought to justice. It had commenced the process of drafting a bill to incorporate the provisions of the Rome Statute of the International Criminal Court into Zambian law, which would contribute to cooperation in curbing international crimes. His delegation urged States to enhance the application of the principle of universal jurisdiction as a complement to national criminal jurisdiction. It also encouraged further cooperation between the United Nations and the International Criminal Court.	i_performances_Zambia t_legitimacy_2018
A_C.6_73_SR.12-EN	14. The question of whether sitting Heads of State and Government and other high-level officials might be subject to prosecution in the International Criminal Court, in special tribunals or in the courts of other countries or territories remained unresolved, particularly where the country concerned was not a party to the Rome Statute. The decision of the African Union in January 2018 to request, through the General Assembly, an advisory opinion from the International Court of Justice on the relationship between articles 27 and 98 of the Rome Statute was therefore timely and would, he hoped, yield a final resolution to the question of whether Heads of State of non-party States were immune from arrest by States parties to the Rome Statute.	i_procedures_Zambia t_illegitimacy_2018

A_C.6_73_SR.12-EN	28. In line with its international commitments, Mali had put in place a national legal framework to reinforce the fight against terrorism, including through the punishment of perpetrators and the protection of victims. In that connection, he welcomed the historic decision of the International Criminal Court to convict the Malian terrorist Ahmad Al Faqi Al Mahdi for the destruction of mausoleums and historical sites in Timbuktu during the occupation of the northern part of	i_performances_Mali t_legitimacy_2018
A_C.6_73_SR.3-EN	7. Mr. Konfourou (Mali) said that in his country, terrorist groups had been regularly and indiscriminately attacking national defence and security forces, humanitarian and human rights organizations and fraternal international forces. Not even women, children, the elderly, persons with disabilities or cultural and historical monuments had been spared. In that connection, his delegation welcomed the guilty verdict handed down by the International Criminal Court against the Malian terrorist Ahmad Al Faqi Al Mahdi for the destruction of the historic Timbuktu mausoleums and sites. His Government's efforts to achieve stability and promote development were undermined by the presence of terrorist organizations in the country and their criminal activities.	i_performances_Mali t_legitimacy_2018
A_C.6_74_SR.11-EN	44. Senegal believed that the International Criminal Court exercised complementary jurisdiction in the fight	i_procedures_Senegal t_legitimacy_2019
A_C.6_74_SR.11-EN	against impunity, called for the Court's Rome Statute to be universally applicable and reiterated its support for all international peaceful dispute settlement mechanisms, including the International Court of Justice. His delegation welcomed the significant progress made in strengthening the rule of law at the	i_performances_Senegal t_legitimacy_2019
A_C.6_74_SR.11-EN	50. At the international level, Nigeria had consistently pursued a foreign policy anchored in the promotion of global security and the protection of the dignity of all persons. It recognized the important role of the International Court of Justice, the International Criminal Court and other international tribunals in the peaceful resolution of international disputes. His country's support for peacekeeping since its independence in 1960 demonstrated its commitment to international peace and security and the rule of law.	i_performances_Nigeria t_legitimacy_2019

A_C.6_74_SR.16-EN	an especially important agenda item for his country, which was slowly recovering from the multidimensional crisis it had been facing since 2012. The principle of universal jurisdiction was a key tool for strengthening the system of international justice and suppressing the kinds of serious violations of international law that were frequently committed by terrorist and drug-trafficking groups in Mali. It had been incorporated into the legal order of Mali, including in its Criminal Code and Code of Criminal Procedure and in legislation passed in 2012 against human trafficking and the smuggling of migrants. In line with its international commitments, Mali had put in place a national legal framework to reinforce its efforts to combat terrorism, including through the punishment of perpetrators and the protection of victims. In that connection, his Government welcomed the decision of the International Criminal Court to convict the Malian terrorist Ahmad al-Faqi al-Mahdi for the destruction of mausoleums and historical sites in Timbuktu during the occupation of the northern part of the country by terrorists in 2012.	i_performances_Mali t_legitimacy_2019
A_C.6_74_SR.17-EN	25. As a signatory to the Rome Statute of the International Criminal Court, Nigeria had contributed much to the development of the principle of universal jurisdiction. It was working with other States parties to ensure that the Court applied the principle equitably and in a practical fashion, especially in cases where it could have an impact on a State's political stability.	i_procedures_Nigeria t_legitimacy_2019
A_C.6_74_SR.17-EN	26. The principle should, however, be used only as a last resort. The lack of clarity about its application remained a source of concern. It should not be used where cooperation with the State where the crime had been committed was possible, especially through agreements on extradition and mutual legal assistance. Powerful States must not use it to impose their domestic legal systems on their less powerful counterparts by depriving them of prosecutorial authority.	i_procedures_Nigeria t_illegitimacy_2019

A_C.6_74_SR.31-EN	106. In some areas of international law, such as international criminal law, general principles of law derived from national and international law were particularly important. Their significance was recognized in State practice, as exemplified by article 21, paragraph 1, of the Rome Statute of the International Criminal Court, which directed the Court to apply general principles of law "derived from national laws of legal systems of the world including, as appropriate, the national laws of the States that would normally exercise jurisdiction over the crime, provided that those principles are not inconsistent with this Statute and with international law and internationally recognized norms and standards". While the statutes of ad hoc international criminal tribunals, which had preceded the International Criminal Court, had not included a similar provision, a similar reliance on general principles of criminal law in case adjudication was extensively reflected in their case law. The situation was somewhat similar in the practice of the Special Court for Sierra Leone.	i_procedures_Sierra Leone t_legitimacy_2019
A_C.6_75_SR.11-EN	jurisdiction. It was working with other States parties to ensure that the Court applied the principle equitably and in a practical fashion, especially in cases where it could have an impact on a State's political stability.	i_procedures_Nigeria t_legitimacy_2020
A_C.6_75_SR.11-EN	105. The principle should, however, be used only as a last resort. It should not be used where cooperation with the State where the crime had been committed was possible, especially through agreements on extradition and mutual legal assistance. Powerful States must not use it to impose their domestic legal systems on their less powerful counterparts by depriving them of prosecutorial authority.	i_procedures_Nigeria t_illegitimacy_2020

A_C.6_75_SR.8-EN	77. His delegation welcomed the areas of focus for the future work of the United Nations concerning the promotion of the rule of law at the international level as set out in the report of the Secretary-General (A/75/284). A rules-based international order was a prerequisite for a fairer and more equitable world, peaceful relations between States and the peaceful settlement of disputes. In order to strengthen the rule of law at the international level, the international community must take effective and coordinated action to combat all corrupt practices, including money-laundering and the illicit transfer of illegally acquired funds and assets. Senegal believed that the International Criminal Court exercised complementary jurisdiction in the fight against impunity; it called for the Court's Rome Statute to be universally applicable and reiterated its support for all international peaceful dispute settlement mechanisms, including the International Court of Justice.	i_procedures_Senegal t_legitimacy_2020
A_C.6_75_SR.9-EN	39. At the international level, Nigeria had consistently pursued a foreign policy anchored in the promotion of global security and the protection of the dignity of all persons. It recognized the important role of the International Court of Justice, the International Criminal Court and other international tribunals in the peaceful resolution of international disputes. His country's support for peacekeeping since its independence in 1960 demonstrated its commitment to international peace and security and the rule of law.	i_performances_Nigeria t_legitimacy_2020
A_60_PV.14_2005_MWI_GMB_HTI_TUV_LSO_LUX_IRL_TUN_GRC_PRT_IND_IDN_SVN_NIC_VEN_QAT	weaken or undermine our rules-based international system should be rejected without compromise. An institution like the International Criminal Court, with a mandate to end impunity, deserves all the support it can garner from the international community. The Rome Statute is a beacon of hope to all of humanity, and my delegation appeals to those States that have not yet done so, to consider speedily becoming party to it.	i_performances_Gambia t_legitimacy_2005
A_60_PV.23_2005_SLE_CIV_TCD_BLZ_BEN_LIE_BTN_NZL_FSM_SWZ_UZB_MDA_DMA_CMR	The wise Mr. Kutesa has revolutionized international law with his introduction of the concept of so-called provisional immunity. Nevertheless, in our view, all Ugandan nationals who have Congolese blood on their hands and whose armed groups pursue a policy of terrorism against our civilian populations will ultimately have to answer for their actions before either the International Criminal Court or ad hoc tribunals.	i_performances_DRC t_legitimacy_2005

A_72_PV.12_2017_SYC_BWA_HRV_CAN_WSM_SVN_DEU_RUS_CHN_MEX	In view of that unfortunate scenario, Botswana believes that the international community should always resort to using the moral power and authority of the General Assembly whenever there is paralysis in the Security Council. We also fully support the referral of the situation in Syria to the International Criminal Court, in order for those responsible for committing war crimes and crimes against humanity to be held accountable for their actions.	i_procedures_Botswana t_illegitimacy_2017
A_72_PV.15_2017_CMR_KIR_CAF_MDA_BEL_BTN_ALB_MLT_CPV_VNM	The conclusion of the Rome Statute of the International Criminal Court (ICC) was a historic moment in the fight against impunity for those responsible for the most serious crimes against humanity, and I therefore express Cabo Verde's firm support to the ICC. Strengthening the Court is a duty that the present generation owes to future ones.	i_performances_Cabo Verde t_legitimacy_2017

Appendix E – Ratifications of the Rome Statute

Country	Time of Ratification
Benin	22 January 2002
Botswana	8 September 2000
Burkina Faso	16 April 2004
Burundi	*21 September 2004 – 27 October 2017*
Cabo/Cape Verde	10 October 2011
Central African Republic	3 October 2001
Chad	1 January 2007
Comoros	1 November 2006
Congo	3 May 2004
Côte d'Ivoire	15 February 2013
Djibouti	5 November 2002
Democratic Republic of the Congo	11 April 2002
Gabon	20 September 2000
Gambia	28 June 2002
Ghana	20 December 1999
Guinea	14 July 2003
Kenya	15 March 2005
Lesotho	6 September 2000

Liberia	22 September 2004
Madagascar	14 March 2008
Malawi	19 September 2002
Mali	16 August 2000
Mauritius	5 March 2002
Namibia	25 June 2002
Niger	11 April 2002
Nigeria	27 September 2001
Senegal	2 February 1999
Seychelles	10 August 2010
Sierra Leone	15 September 2000
South Africa	27 November 2000
Tanzania	20 August 2002
Tunisia	24 June 2011
Uganda	14 June 2002
Zambia	13 November 2002

Appendix F – Data Collection

I selected summary transcripts from the UNGA Sixth Committee for analysis. Unfortunately, there was not enough data available for the years 2005 – no legitimacy evaluation statement – and 2017 – only one statement. Therefore, I coded transcripts from the UNGA General Debate for those two years in addition to the transcripts from the Sixth Committee. Except the Sixth Committee's focus on legal matters, the General Debate documents are not expected to differ systematically in regard to the data derived from them. Furthermore, it should be pointed out that the principle of universal jurisdiction, i.e. the prosecution of criminals by foreign courts, was extensively covered in the Sixth Committee's discussions, particularly in 2010. However, as these discussions were concerned with the universal jurisdiction concept rather than with the ICC as an institution, I did not code and include them in the analysis. I chose to do so, in order to avoid false positives by coding statements, which are not actually concerned with the ICC's legitimacy. Several African states, such as South Africa, also emphasize that the principle of universal jurisdiction is distinct from the ICC (U.N. A/C.6/72/SR.13).

Qualitative Content Analysis - The Position of the African Union Toward the Concept of Liberal by Antonia Rausch

	cat1	cat2	cat3	cat4	cat5	cat6	Further aspects
doc1	Consolidate democratic institutions and culture Participation of African peoples	Ensure good governance Rejection of unconstitutional changes of governments	Sustainable development (economic, social, cultural level) Promoting research, prevent diseases with help of international partners Social justice	Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' rights Taking due account of Universal Declaration of Human Rights (UN) Promotion of gender equality Sanctity of human life	Ensure the rule of law	African Economic Community for promoting socio-economic development and efficiently face globalization Encourage international cooperation Establish conditions to play rightful role in global economy	Promotion of peace, security and stability for development and integration Defend the sovereignty and independence of member states Defend African common positions on issues of interest to the continent and peoples Common defense policy Peaceful resolutions of conflicts by Assembly Prohibition of the use of force or threat Intervention: war crimes, genocide & crimes against humanity Member states can request

							intervention from Union
doc2				Ensure effective participation of woman in decision-making			Intervention: war, crimes, genocide & crimes against humanity + serious threat to legitimate order to restore peace and stability
				Substitute chairman with chairperson			
doc3	Strong democratic institutions and culture Preparation, organization and supervision of elections in the concerned member state Establishment of conditions of political, social and economic reconstruction of society and Government institutions	Operational structure for effective implementation for conflict prevention and peace-making By good offices, mediation, conciliation and enquiry Good coordination of Regional Mechanisms to ensure their efficient activities	Post-conflict recovery programs and sustainable development policies for conflict prevention Interdependence between socio-economic development and security	Human rights & fundamental freedoms	Rule of law & international humanitarian law for peace and stability		UNSC primary responsibility for international peace and security Charter: role of regional arrangements or agencies Closer cooperation between AU and UN African Regional Mechanisms for Conflict Prevention: formal coordination and cooperation Africa via AU plays central role to bring peace to the continent Panel of the Wise supports Security Council: 5 highly respected Africans Protection and preservation of

		Work closely with Regional Mechanisms But: harmonized with Security Council					life and property Guided by the Charter of UN Coordinate efforts at regional and continental levels to combat international terrorism
							External initiatives should take place within the framework of AU priorities Peace and Security Council: closed meetings without conflict parties Standby Force multidisciplinary -> multidimensional

							Disarmament, reintegration programs & demobilization Standardization of training Support training by UN Extra Article (17) about the relationship to UN -> support for AUs acitivies Cooperation with other organizations on issues of common interest
doc4		Ensuring effective implementation of OAU Convention on the Prevention and Combating of	Influence of terrorism on democracy, development	Strengthening human rights instruments when human rights are violated by	Legal and law enforcement against terrorism		Contact with regional and international organizations dealing with terrorism
		Terrorism -> strong institutions Efficiency by information networks, reports, evaluations		terrorism Outlaw torture and inhumane treatment (also discriminatory and racist)			

doc5	Honest and regular elections	Strong institutions and democratic culture	Socio-economic development and integration & fulfillment of the aspirations of our people (by peace) Formulation of sustainable development policies (for peace) Strengthen the capacities of African research, information and training institutions	Respect for human rights Dignity and fundamental rights of every human being in the context of a democratic society Respect of cultural identities of peoples Minority Rights	Respect for rule of law, combating corruption		Intervention: for preventing or addressing aggression Avoid actions of force or threat that are incompatible with the UN Prevent people and territory from being usednfor acts of subversion, hostility, aggression or other harmful practices Prohibit the use of territory for stationing, transit, withdrawal, incursions od irregular armed groups, mercenaries or terrorist groups Conflict parties should first try to find solutions by: negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement
doc6		Efficient and effective				Legal framework for cross-border	

		integrated border management Institutional development including identification, formulation and execution of projects and programs				cooperation supports peaceful resolution of disputes Transformation to zones of trade and cooperation Peace and stability by deepening unity	

doc7	Importance of democracy for development of international trade and economic cooperation	Make mediums like laws, regulations, procedures and administrative rulings accessible for public Review every five years to ensure effectiveness & deeper integration	Promote sustainable socio-economic development Liberal development: infrastructure for trade liberalization, science & technology Recognizing different development levels -> individual treatments	Importance of human rights & gender equality or development of international trade and economic cooperation Promotion and protection of cultural diversity	Importance of rule of law for development of international trade and economic cooperation	Continental market with free movement of persons, capital, goods and services, deepening economic integration Economic integration for a peaceful Africa Liberalized market for goods and services Enhance competitiveness with continent or global market Substantial liberalization as	Importance of international security for development of international trade and economic cooperation Focus: intra-African trade & African integration

						important principle Trade liberalization: elimination of tariffs, non-tariff barriers; trade facilitation; cooperation in technical barriers to trade; development & promotion of regional and continental value chains	

doc8	Significance of popular participation Promoting, strengthening democracy and governance Promote universal values and principles of democracy Regular, free, fair and transparent elections	Significance of good governance Strengthen institutions for good governance, continental unity & solidarity Promote universal values of good governance Through: institutionalization of transparency & accountability Effective	Promote universal values of the right to development Promote sustainable development & human security Development of information & communication technologies Achievement of United Nations Millennium Development	Significance of human rights Promote universal values of human rights Freedom of the press, access to information Gender balance & equality in governance & development Universality, interdependence & indivisibility of	Significance of the rule of law Deepen rule of law, peace, security & development Independence of the judiciary		But: underlining the historical and cultural conditions in Africa Unconstitutional changes of governments as main cause for instability (& coup d'Etat stressed in the further text) Harmonious civil-military relations -> relationships in society & with leaders important

	Promote democra tic culture & political pluralis m Separation of powers Including opposition parties, party rights Political & social dialogue, public trust between leaders & people to consolidate democracy & peace Strengthening functioning & effectiveness of parliaments	coordinatio n of governance policies for integration Promote best practices for stability Against corruption, related offenses & impunity Focal points for efficiency	Goals (MDGs) Provide free and compulsory basic education	human rights No discrimination Freed om of expre ssion Preventing spread of diseases			

doc9	Promote values & principles of democracy	Strengthen professionalism & ethics in public service Modernization, improvement &	Right to development Effective, efficient & responsible use of resources	Respect for human rights & dignity Promote administrative culture based on respect for	Rule of law Laws to fight corruption Freedom of expression for		Harmonization of Public Service policies for further integration
		new values for governance Transparency & accountability in Public Service Mechanisms to monitor effectiveness of Public Service		the rights of the user Equality between women and men No discrimination because of origin, race, gender, disability, religion, ethnicity or political opinion	Public Servants		
doc10	Local governments/ local authorities as key cornerstones	Significance of good governance, popular participation		Human rights Protect cultural diversity & gender and transgeneration	Rule of law Justice, equality & equity	Strengthening local economies to face poverty -> better life standards -> more peace	Integrated & peaceful Africa driven by its own citizens Recognizing traditional leaders & local governance

	in democratic system Deepen participatory democracy Participation & inclusiveness Participation of all segments in society Democratic, free, fair & transparent	Accountability & transparency of public institutions Effective coordination, harmonization for local governance & local development Efficient use of financial resources Cooperation of governments to		al equality Diversity & tolerance Recognize cultural, religious & gender diversity Specific measures for the representation of women in elections Integration of gender, youth & disability issues in process of formulating policies			Decentralization
	elections	attain, global, continental, regional, national and local development priorities					

doc 11			Teaching & study of international law in universities, institutions & educational research centers		Promotion of international law & international legal development International values & progressive principles of international law in the light of historical and cultural conditions in Africa		Importance of treaties in international relations for maintenance of peace Peaceful settlement of conflicts
doc 12	Consolidation of democratic institutions & a culture of democracy	Ensure good governance Negative effects of corruption on stability Transparency & accountability in Public Affairs	Fight corruption for better socio-economic development Promoting education to respect public interest & fight against corruption	Protect human & peoples' rights Respect human dignity African Charter of Human and People's Rights	Ensure the rule of law	International trade sanctions against corruption	Freedom, equality, justice, peace & dignity are essential objectives Intensify African integration & cooperation Fight root causes of corruption International cooperation

		against corruption Strengthen independent anti-corruption agencies Transparency in funding of political parties		Fair trial for people that committed acts of corruption			against corruption
doc13	Civil and political rights	Right to development	Teaching, education & publication should promote rights & freedoms from the present Charter	Freedom, equality, justice & dignity International cooperation Charter of the UN & Universal Declaration of Human Rights Universality of human rights Every individual (!)			Eradicate all forms of colonialism Liberation of Africa Intensify unity & cooperation Eliminate neo-colonialism Dismantle aggressive foreign military bases & all forms of discrimination Right to national & international peace & security To ensure peace & security: individuals with asylum cannot take harming actions against home country

				is equal before law Individual or collective duty to ensure the right of developmen t Preserve & strengthen African cultural values			territories cannot be used for military dases against another country

doc14		Strengthen common institutions concerning human rights & endow with powers & resources		Protect human and peoples' rights African Charter on Human and Peoples' Rights African Court of Justice and Human Rights: helps to achieve goals by AU -> strengthen mission of ensuring human rights by establishment of a judicial organ			Promote peace, security & stability Settle disputes through peaceful means