

Legitimate by nature?

Citation for published version (APA):

Boost, C. M. H. (2022). *Legitimate by nature? Examining the legitimisation activities implemented by the International Criminal Tribunal for Rwanda*. [Doctoral Thesis, Maastricht University]. Eleven. <https://doi.org/10.26481/dis.20220311cb>

Document status and date:

Published: 01/01/2022

DOI:

[10.26481/dis.20220311cb](https://doi.org/10.26481/dis.20220311cb)

Document Version:

Publisher's PDF, also known as Version of record

Please check the document version of this publication:

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IMPACT STATEMENT

SOCIETAL RELEVANCE OF THE RESEARCH FINDINGS

International crimes cause widespread mortality and victimisation, leading to societal disruption that may take generations to heal. Over the years, the international community has established international courts to eliminate the culture of impunity in relation to such crimes, and to enforce a culture of accountability. In a world filled with different sets of legal and societal norms, it is important for the international community to work together to uphold the principle of legal accountability for violations of international law and to defend the mandates of international courts. Furthermore, international criminal courts require strong relationships and collaboration between states, and good communication and understanding between all stakeholders involved in their work, in order to fulfil their objectives while taking the complexities of conducting trials in post-conflict environments into consideration. Yet in order for international criminal courts to reach their full potential – in providing justice to the survivors scarred by conflict and rebuilding the judicial landscape in post-conflict states – they must be accepted as legitimate instruments of law.

Legitimacy plays an important role in promoting the activities of an international criminal court and in managing stakeholder relationships, which in turn enable international criminal courts to function as legitimate structures by providing much needed resources, infrastructure, support and recognition to achieve their mandates. Several studies demonstrate how discourse and/or actions may be framed in specific ways in order to advance the legitimisation of certain organisational practices. However, there is also a risk that the narrative advanced by an international criminal court, concerning a certain event or activity, may result in radically different interpretations that can either legitimise or de-legitimise the event or activity in question, depending on the perspective of the organisation's stakeholders. As a result, there is a need for a better understanding of organisational legitimacy, and the legitimisation activities implemented by international criminal courts to promote their legitimacy.

With questions raised regarding the legitimacy of international criminal courts (for example the ICC) and with the establishment of new international criminal courts (for example the creation of an African criminal court), the findings of this research highlight the importance of organisational legitimacy, and inform the development or revision of legitimisation activities used by international courts in their interaction with stakeholders.

This research identifies the efforts made to legitimise the ICTR's existence, as a mechanism established by the UN to prosecute those most responsible for the 1994 genocide in Rwanda. Particular focus is given to identifying which legitimacy challenges were

addressed by the Tribunal, and what legitimisation activities were implemented by the ICTR in order to gain, maintain and repair its legitimacy, while also examining the stakeholders the ICTR focused on when seeking to establish and/or to uphold its legitimacy.

The findings demonstrate that organisational legitimacy is imperative to the functioning of organisations, particularly in the case of international courts that may assume to possess legitimacy due to their legal status. Recognising and managing organisational legitimacy provides organisations with an awareness of their environment and forms a vital bridge between an organisation and its stakeholders. This research demonstrates how gaining knowledge regarding the needs, expectations and values of each stakeholder group provides an organisation with valuable information that may enhance or inform its activities, increasing its legitimacy and the potential for its success.

TARGET AUDIENCE

The main target group for this research are the policy-makers and practitioners working in the field of international criminal law, human rights and transitional justice, or working on projects affiliated with international courts. More specifically, this research addresses professionals working within international criminal courts or tribunals, including those working at the IR-MCT in Arusha and The Hague, and especially aims to reach the individuals involved in designing and/or implementing external relations activities and outreach programmes. Not only does this research provide certain findings related to the organisational legitimacy of international courts, it also creates room for dialogue with local and international practitioners addressing international crimes and working in post-conflict environments, while also offering space for critical discussion related to this topic.

Given that this research relates to the genocide in Rwanda, another important target group are the survivors of the Rwandan genocide, with special thanks to those that agreed to participate in this research. Although the 1994 genocide occurred almost 30 years ago, and Rwanda has transformed into a thriving country, the scars and trauma from the past remain and should not be ignored. Furthermore, although many researchers have visited and written about the Rwandan genocide, there is much still to learn from the events that occurred prior to, during and after the 100 days of death and destruction that occurred from April to July 1994.

Lastly, the interdisciplinary nature of this study provides a basis for further discussion with academics from various fields regarding the topic of legitimacy and the importance of this concept for international criminal courts and other mechanisms working in post-conflict environments. Despite the numerous research topics available for researchers

to choose from, this study aims to stimulate interest and curiosity in the topic of legitimacy and its relationship with international justice.

INNOVATIVE ASPECTS OF THE RESEARCH

This research is innovative for three main reasons. First and foremost, it focuses on the relationship between organisational legitimacy and the ICTR. Although research has been conducted relating to legitimacy and international criminal courts, it has often focused on the legal nature of international criminal law, examining the normative legitimacy and legality of these legal instruments. This research focuses on the influence that legitimacy has on the resources and operations of an international criminal court, identifying the relationship between empirical legitimacy and the functioning of international criminal law; more specifically the legitimisation activities implemented by the ICTR, on which there is currently no research.

Second, this study takes a multidisciplinary approach to studying the ICTR, implementing a theoretical framework that originates from the field of organisational management and applying it to an international criminal court that was established by the UN and reliant on the engagement of UN member states, while upholding an impartial and independent stance. This research therefore makes use of theories and findings that derive from the fields of law, criminology, political science, sociology and psychology. This approach highlights not only the complex nature of both legitimacy and international criminal law, but also demonstrates a need for more multidisciplinary studies to allow for a better understanding of how international criminal courts operate in practice, often within politically sensitive post-conflict environments.

Third, this research adopts a single case study research design in order to examine the legitimisation activities implemented by the ICTR. This involved making use of semi-structured interviews, archival research and a literature review to investigate the topic through a process of primary and secondary research. The multi-method research design allowed for a deeper understanding of the complexities of running an international organisation within this multifaceted setting; while choosing to examine one international criminal tribunal, focused on one conflict that took place in one country, was a means to simplify and understand an already complex subject matter.

OUTREACH AND DISSEMINATION OF RESEARCH FINDINGS

Parts of this study have been presented in different academic forums, including The Royal Netherlands Academy of Arts and Sciences (KNAW), The Danish National Research

Foundation's Centre of Excellence for International Courts (iCourts) located at the University of Copenhagen, the Maastricht Centre for Human Rights, and the Netherlands Network for Human Rights Researchers. The research has also been presented to researchers and students from the University of Rwanda, and to students taking bachelor's and master's courses offered at Maastricht University's Faculty of Law and at University College Maastricht. Furthermore, a chapter examining legitimisation activities in relation to international criminal courts will be published by Asser Press in collection put together by the Centre for African Justice, Peace and Human Rights; and several blogs have been published through Maastricht University's Law Blogs on topics related to this research.