

Longer than life

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Propositions

1. Rule of law promotion is governed by an unhelpful I-know-it-when-I-see-it approach. Most rule of law promotion initiatives do not follow a conscious understanding of the benchmarks that are to be achieved – and thus they fail.
2. An international criminal court can be the initiator of a norm cascade: if it credibly demonstrates adherence to the rule of law, it will normally inspire local judiciaries to strive for the same.
3. The ICTY and other international organisations influenced Bosnia and Herzegovina's criminal justice system to such an extent that some question the country's sovereignty. As international actors are now, twenty-five years after the war, pulling out, the country needs to grow up.
4. In Serbia, hostile attitudes towards the ICTY and less opportunities for close collaboration between the Tribunal and its domestic counterparts – partly caused by unwillingness of the Tribunal to get in touch – account for less influence than in Bosnia and Herzegovina.
5. By triggering changes in the Serbian and Bosnian criminal justice system, the ICTY has strengthened the rule of law in both countries. Without the Tribunal, neither country would have prosecuted war crimes at the domestic level and innovations introduced in the course of these proceedings would not have been properly implemented until this day.
6. International criminal courts and international criminal law currently face the greatest challenges since they re-emerged twenty-five years ago, because a consensus not to respect international humanitarian law seems to be emerging among today's belligerents.
7. The future of international humanitarian law and international criminal law lies in their domestic implementation and enforcement. International criminal courts or tribunals will no longer be established.
8. In terms of collaborating with its local counterparts and increasing its perceived legitimacy towards them, the International Criminal Court failed to learn from the successes and failures of the *ad hoc* tribunals for the former Yugoslavia and Rwanda. The ICC will have no impact on the domestic justice systems in the countries under its jurisdiction – despite the complementarity principle.
9. Founders of international criminal courts should be conscious about the courts' potential for domestic impact and plan it ahead. In order to influence domestic justice systems, the courts should conduct fair trials in an efficient and effective way, collaborate closely with domestic practitioners and engage with the target communities, prosecute all sides of the conflict, and conduct many, rather than big, trials.
10. Most university curricula of both law and political sciences do not prepare you for doing research in either field.
11. Time solves (almost) all problems. Recommending to postpone decisions indefinitely is one of the most important tasks of a PhD supervisor.