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Introduction

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This book reviews the main legal avenues that are available within the international legal order to address the increasingly important problem of system criminality, and to identify the need and possibilities for improving such avenues.

The term system criminality refers to the phenomenon that international crimes – notably crimes against humanity, genocide and war crimes – are often caused by collective entities in which the individual authors of these acts are embedded.¹ Notable examples of situations of system criminality after the Second World War include the ‘dirty war’ in Argentina in the 1970s and 1980s,² the atrocities committed during the Balkan Wars of the early 1990s of the previous century, in which states and organized armed groups played a dominant role,³ and the crimes committed during the ongoing armed conflicts in the Darfur area in Sudan.⁴

While in many situations of system criminality the legal response of the international community has focused on individual perpetrators, who for instance have been the subject of criminal proceedings at the ICTY, ICTR, ICC or domestic courts, such individuals were often small cogs in larger systems that may be beyond the reach of individual responsibility. With regard to the international crimes committed in Darfur, for example, the Prosecutor of the ICC has indicted

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¹ See for further discussion of this definition section II below.

² M. Osiel, *Mass Atrocity, Extraordinary Evil and Hannah Arendt: Criminal Consciousness in Argentina's Dirty War* (Yale University Press, New Haven & London 2001).

³ A. J. Vetlesen, *Evil and Human Agency: Understanding Collective Evildoing* (Cambridge University Press, Cambridge 2005).

⁴ Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General, Pursuant to Security Council Resolution 1564 of 18 September 2005 [25 January 2005].

two individuals whom he thought were responsible for international crimes.⁵ But it is hard to believe that Ahmad Muhammed Harum, former Minister of State for the Interior of the Government of Sudan,⁶ was, on his own, responsible for the crimes that have been committed in Sudan, or even for the crimes in respect of which he was charged. It is equally hard to believe that Ali Muhammed Ali Adb-Al-Rahman, a leader of the Janjaweed and also indicted by the ICC,⁷ caused, on his own, the various crimes that have been attributed to the Janjaweed. Indeed, in his 2008 report to the Security Council, the Prosecutor of the ICC had to conclude that these two individuals were part of a much larger organizational context:

[T]he information gathered points to an ongoing pattern of crimes committed with the mobilization of the whole state apparatus. The coordination of different bureaucracies, ranging from the military to the public information domains, suggest the existence of a plan approved and managed by GoS authorities at the highest level.⁸

In examining the systemic context of international crimes, this book focuses in particular on the relevance, potential and limits of the law of international responsibility. We use the term ‘international responsibility’ as an umbrella term to refer to the various forms of responsibility under international law, including responsibility of individuals, states, international organizations and, much less well-established, organized armed groups like the Lord Resistance Army in Uganda or the Revolutionary United Front in Sierra Leone.⁹

This introductory chapter will explain the context in which this book is situated and identify the key aspects of the phenomenon of system

⁵ See ‘The Prosecutor of the ICC opens investigation in Darfur’, ICC Press Release (The Hague, 6 June 2005) at www.icc-cpi.int/pressrelease_details&id=107&l=en.html, accessed 14 January 2008.

⁶ *Prosecutor v Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman*, ICC-02/05–01/07.

⁷ See (n. 5).

⁸ Seventh Report of the Office of the Prosecutor of the International Criminal Court to the UN Security Council Pursuant to UNSCR 1593 (2005) para 98, available at www.icc-cpi.int/library/organs/otp/UNSC_2008_En.pdf, accessed 3 July 2008.

⁹ See further section III below. Note that the term ‘international responsibility’, as used here, is broader than its common use as equivalent for responsibility of states, where the term ‘international’ is used to indicate that responsibility is not civil, criminal, or any other form known in domestic systems, but *sui generis* and in fact, simply ‘international’; see A. Pellet, ‘The New Draft Articles of the International Law Commission on the Responsibility of States for Internationally Wrongful Acts: a requiem for states’ crime?’ (2001) 32 NYIL 59.

criminality and its manifestations in international law. It will explain, first of all, the working hypothesis of this book: that, in cases of international crimes, responsibility should not (only) be located at individual level, but should also address the system within which individual behaviour is embedded (section 1). It then will review the concept of system criminality (section 2) and the role, objectives and main forms of international responsibility in relation to system criminality (section III). The chapter closes with a roadmap of the book (section IV).

I. Working hypothesis

1. *The role of systems in international crimes*

This book is based on the hypothesis that, in certain cases, responsibility in relation to system criminality should be allocated to the level of ‘the system’, in its various manifestations, rather than only to the individual level.

This hypothesis in certain respects challenges the dominant approach to international crimes. The Nuremberg Tribunal held that: ‘Crimes against international law are committed by men, not by abstract entities, and *only* by punishing individuals who commit such crimes can the provisions of international law be enforced.’¹⁰ Since this judgment, the dominant response of international law to international crimes has been individualistic. This also was expressed in the prosecutor’s opening statement in the trial of Slobodan Milosevic in the ICTY:

The accused in this case, as in all cases before the Tribunal, is charged as an individual. He is prosecuted on the basis of his individual criminal responsibility. No state or organisation is on trial here today. The indictments do not accuse an entire people of being collectively guilty of the crimes, even the crime of genocide.¹¹

The individualist nature, and antipathy against collective responsibility, pervades other fields of international law. An illustration is the Security Council’s response to North Korea’s nuclear policies, targeting

¹⁰ *The Trial of Major War Criminals: Proceedings of the International Military Tribunal Sitting at Nuremberg Germany, Part 22*, p. 447 (emphasis added).

¹¹ *Prosecutor v Slobodan Milosevic*, Prosecution Opening Statement, 8 IT-02-54-T [12 February 2002]. This statement is also cited by G. Simpson, ‘Men and abstract entities: individual responsibility and collective guilt in international criminal law’, this volume, Chapter 4.

the sanctions at luxury goods with the aim of affecting the rich individual leaders, rather than the population of North Korea.¹²

This book assumes that, for all its virtues, targeting responses to system criminality at individual authors of crimes is only a partial solution, and one which does not always take away the need to address the larger entities of which individuals are a part. If the goal is termination of the crimes and prevention of their recurrence, individual responsibility is unlikely to do the job.¹³ Holding Saddam Hussein individually responsible in, say 1991, probably would not have made much of a difference to the system that continued to foster crimes.

Individuals who transgress fundamental norms of international law often are not acting on their own initiative or for their own cause. In some cases, individuals will carry out the plans of other, higher placed individuals. This may, under the doctrines of superior or command responsibility, result in prosecutions of higher ranked officials that supplement the prosecution of the lower ranked official or may lead to a decision not to prosecute such lower ranked officials.¹⁴ Such prosecutions still may fall within the paradigm of individual responsibility.

In other cases, individuals do what they do because they act on behalf, or as part, of a state or other larger collective entity. In situations where state authorities consider that the security of the state is under severe threat, or fear they may lose power,¹⁵ when they have a powerful apparatus at their disposal charged with protecting the security of the state, and when they have identified groups that are defined as enemies of the state, collective entities themselves can turn into actors that commit, or further the commission of, international crimes.¹⁶ This was what happened, for example, in relation to the criminal acts orchestrated or supported by Belgrade during the Balkan Wars.¹⁷

¹² UNSC Resolution S/RES/1718 (2006). See generally on smart sanctions: D. Cortright and G. A. Lopez (eds.), *Smart Sanctions: Targeting Economic Statecraft* (Rowman & Littlefield, Lanham 2002); M. E. O'Connell, 'Debating the law of sanctions' (2002) 13 EJIL 70.

¹³ See, on the objectives of international law with regard to situations of system criminality, A. Nollkaemper and H. van der Wilt, 'Conclusions and outlook', this volume, Chapter 15.

¹⁴ E.g. *Prosecutor v Krstic*, IT-98-33-T [2 August 2001] para. 724.

¹⁵ Hannah Arendt noted that 'loss of power becomes a temptation to substitute violence for power', H. Arendt, *On Violence* (Harvest Book, New York, London 1970) 54. She also wrote that: 'every decrease in power is an open invitation to violence – if only because those who hold power and feel it slipping away from their hands, be they the government or the governed, have always found it difficult to resist the temptation to substitute violence for it'; *ibid.*, p. 87.

¹⁶ H. C. Kelman, 'The policy context of international crimes', this volume, Chapter 2.

¹⁷ Vetlesen (n. 3) 178.

Individual authors of international crimes, then, are often part of a context in which a variety of actors participate, and which are properly dealt with at the level of the state, or other entity, as such.¹⁸ Hannah Arendt wrote on the acts of Eichmann: ‘crimes of this kind were, and could only be, committed under a criminal law and by a criminal state.’¹⁹ Tallgren writes that: ‘instead of being exceptional acts of cruelty by exceptionally bad people, international crimes are typically perpetrated by unexceptional people often acting under the authority of a state or, more loosely, in accordance with the political objectives of a state or other entity.’²⁰ Fletcher exposes what he calls a ‘romantic view of history and personality’, in which the individual’s behaviour is motivated by, and can only be understood by reference to, larger communities of nation, state or tribe.²¹ The emphasis on individual responsibility ‘obscures a basic truth’ about war crimes, that these are ‘deeds that by their very nature are committed by groups and typically against individuals and members of groups’.²²

Our starting point, then, is that collective entities can, as causal mechanisms, cause or contribute to individual international crimes. This is not much different from the familiar problems of structure and agency and of structural analysis that arise in case of ordinary criminality.

¹⁸ See I. Brownlie, *System of the Law of Nations: State Responsibility, Part I* (Clarendon Press, Oxford 1983), p. 130; G. Arangio-Ruiz, ‘State fault and the forms and degrees of international responsibility: questions of attribution and relevance, contribution to M-langes Michel Virally’, in *Le Droit International au Service de la Paix, de la Justice et du Développement* (A. Pedone, Paris 1991), p. 35.

¹⁹ H. Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (Viking Press, New York 1963), p. 240; K. Jaspers, ‘Who should have tried Eichmann’ (2006) 4 JICJ 854; C. Wells, *Corporations and Criminal Responsibility* (Oxford University Press, Oxford 1993), p. 135 (noting that many proceed from the belief that ‘in general, corporate criminal acts are not the result of the isolated activity of a single employee, but arise “from the complex interactions of many agents in a bureaucratic setting”’ (internal reference omitted)).

²⁰ I. Tallgren, ‘The sense and sensibility of international criminal law’ (2002) 13 EJIL 575.

²¹ G. P. Fletcher, *Romantics at War: Glory and Guilt in the Age of Terrorism* (Princeton University Press, Princeton, MA 2002).

²² G. P. Fletcher, ‘The Storrs Lectures: liberals and romantics at war: the problem of collective guilt’ (2002) 111 Yale LJ 1499; L. E. Fletcher and H. M. Weinstein, ‘Violence and social repair: rethinking the contribution of justice to reconciliation’ (2002) 24 *Human Rights Quarterly* 618; M. A. Drumbl, ‘Collective Violence and Individual Punishment: The Criminality of Mass Atrocity’ (2005) 99 *Northwestern University Law Review* 570–1. See also: *Bosnia and Herzegovina v Serbia and Montenegro*, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (‘Genocide Case’) General List No. 91, ICJ Judgment (26 February 2007).

2. Causal mechanisms

Several factors may connect the system with international crimes. A dominant factor appears to be the emergence of a normative climate within a collectivity. Röling noted that the characteristic feature of system criminality is that it corresponds with the ‘prevailing climate in the system’.²³ Punch, in this volume, points to processes of neutralization and rationalization that may influence individual behaviour.²⁴ A crucial aspect of system criminality, then, is that individual crimes are not, as is commonly the case for domestic crimes, contrary to a norm, but rather in conformity with norms that result from collective processes.²⁵

The transformation of the normative climate, and the resulting erosion of individual moral inhibitions against international crimes, may, as argued by Kelman and Bauman, in particular arise when there is an authorization of acts of violence, a routinization of violence by rule-governed practice, and a dehumanization of victims of violence by indoctrination.²⁶ It may be much aided by the existence of large bureaucracies.²⁷ However, it can be assumed that this may also hold for particular organized forms of non-state actors, such as organized armed groups, though much will depend on the organized nature of such groups.²⁸

A related factor that may help explain how collectivities may contribute to international crimes in particular cases is that, in the kind of (often military) acts that may generate individual crimes, individual autonomy may give way to group coherence. Hannah Arendt wrote that: ‘in military as well as revolutionary action “individualism is the first [value]

²³ B. V. A. Röling, ‘The significance of the laws of war’, in A. Cassese (ed.), *Current Problems of International Law: Essays on UN Law and on the Law of Armed Conflict* (Dott A. Giuffrè Editore, Milan 1975), p. 138. Also: Fletcher (n. 21) 1541, referring to the ‘climate of moral degeneracy’ produced by the ‘collective’ contributes to the crime.

²⁴ M. Punch, ‘Why corporations kill and get away with it: the failure of law to cope with crime in organizations’, this volume, Chapter 3.

²⁵ Tallgren (n. 20) 575. Similarly, H. C. Kelman, ‘The policy context of international crimes’, this volume, Chapter 2. It is to be added, though, with Wells, that this in general will involve a two-way process, with acts of criminality not only using a climate for justification, but at the same time contributing to that climate: Wells (n. 19) 126. This is also implied in Fletcher (n. 21) 1541, referring to the ‘climate of moral degeneracy’ produced by the “collective” contributes to the crime’.

²⁶ H. C. Kelman, ‘The policy context of international crimes’, this volume, Chapter 2; Z. Bauman, *Modernity and the Holocaust* (Cornell University Press, Ithaca, NY 1989) 21; Vetlesen (n. 3) 16. See also Osiel (n. 2) 64.

²⁷ Vetlesen (n. 3) 16.

²⁸ J. Kleffner, ‘The collective accountability of organized armed groups for system crimes’, this volume, Chapter 11.

to disappear”²⁹ and that once a man is admitted to group action, ‘he will fall under the intoxicating spell of “the practice of violence [which] binds men together as a whole, since each individual forms a violent link in the great chain, a part of the great organism of violence which has surged upward”’.³⁰

Beyond the influence of normative climate and group cohesion, the ways in which the system level may contribute to international crimes will differ significantly between various cases. Collective entities such as states or rebel movements may provide aid and assistance to individual authors of crimes, for example by providing weapons or funding.³¹ A system may also contribute to crimes by doing little else than sitting still and acquiescing to the crimes.³² Alvarez notes that there was nothing secret about what was done in Rwanda in 1994 and that: ‘[t]he attempt to involve as many perpetrators within Rwanda and to make the international community indirectly complicit was intended to preclude the possibility of prosecution on the premise that “[if] all are guilty, no one is guilty”’.³³

In view of the various ways in which systems can contribute to the commission of international crimes, the basis of the dogma of individual responsibility, that ‘crimes against international law are committed by men, not by abstract entities, and *only* by punishing individuals who commit such crimes can the provisions of international law be enforced’³⁴ is doubtful. Jennings rightly noted that the words of the Nuremberg Tribunal are ‘net and high sounding but dangerous, not to say dishonest, half-truth’ that has ‘a considerable currency with the great and the

²⁹ Arendt (n. 15) 67, citing F. Fanon, *The Wretched of the Earth* (Macgibbon 1961), p. 47.

³⁰ Arendt (n. 15) 67, citing Fanon (n. 29) 93. See also J. Kleffner, ‘The collective accountability of organized armed groups for system crimes’, this volume, Chapter 11.

³¹ That may make it appropriate to label the involvement of the system in terms of complicity; see Wells (n. 19) 139. The international law of responsibility would not in technical terms recognize such involvement as aid or assistance in the sense of Art. 16 of the Articles on State Responsibility, as that only applies between states; see Genocide Case (n. 22) para. 420. In the specific case of genocide, where the court found that a state can act in breach of the principle of complicity as that applies to individual responsibility, this may be different however: see (n. 22) para. 420.

³² J. Alvarez, ‘Crimes of states/crimes of hate: lessons from Rwanda’ (1999) 24 *Yale Journal of International Law* 367 (noting that international lawyers characterize offences in Rwanda regions as crimes of states, because such offences, either by definition or because of their scale or scope, tend to require the connivance or at least acquiescence of governmental authority).

³³ Alvarez (n. 32) 399–400.

³⁴ *The Trial of Major War Criminals* (n. 10) 447 (emphasis added).

good, who have been willing to deceive themselves into believing that this aphorism represented the essence of wisdom'.³⁵

3. *Some possible objections*

A few objections may be ventured to the line of argument developed here that international law should address the level of systems rather than that of individuals. One objection is that this argument leads to collective accountability and that 'if all are accountable, no one is accountable'.³⁶ If individual responsibility is valued for its contribution to retribution and possibly reconciliation, collective accountability may be inadequate.³⁷ Moreover, collective responsibility has been said to undermine the efficacy of international law. Hersch Lauterpacht wrote that 'there is cogency in the view that unless responsibility is imputed and attached to persons of flesh and blood, it rests with no one'.³⁸ Philip Allott said: 'the moral effect of the law is vastly reduced if the human agents involved are able to separate themselves personally both from the duties the law imposes and from the responsibility which it entails'.³⁹

However, responses at the collective level do not exclude responses at the individual level.⁴⁰ Moreover, in particular cases reconciliation may require precisely responses at the collective level.⁴¹ Punishment of a relatively limited number of political and military authorities of the Third Reich would have been unlikely to allow for reconciliation between victimized groups and the German state.

³⁵ R. Jennings, 'The Pinochet extradition case in the English courts', in L. Boisson de Chazournes and V. Gowlland-Debbas (eds.), *The International Legal System in Quest of Equity and Universality: Liber Amicorum George Abi-Saab* (Martinus Nijhoff Publishers, The Hague 2001), p. 693.

³⁶ C. Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge University Press, Cambridge 2000), p. 113.

³⁷ M. P. Scharf and P. R. Williams, 'The functions of justice and anti-justice in the peace-building process' (2003) 35 *Case Western Reserve Journal of International Law* 170; M. Ignatieff, *The Warrior's Honour* (Penguin, Canada 1999), p. 178.

³⁸ H. Lauterpacht, *International Law and Human Rights* (Archon Books, Hamden, reprint 1968) (1950), p. 40.

³⁹ P. Allott, 'State responsibility and the unmaking of international law' (1988) 29 *Harvard Journal of International Law* 14.

⁴⁰ Article 58 of the Articles on State Responsibility. The Articles on the Responsibility of States for Internationally Wrongful Acts (hereafter Articles on State Responsibility) are contained in the Annex of UN Doc A/Res/56/83 of 28 January 2002. Genocide Case (n. 22) para. 173. See further A. Nollkaemper and H. van der Wilt, 'Conclusions and outlook', this volume, Chapter 15.

⁴¹ Fletcher and Weinstein (n. 22) 601.

A second objection to responsibility of a group, state or other collectivity is that it may confront innocent individual members of that collectivity with the consequences of the criminal acts of a few. Non-responsible persons are made to bear the responsibility for (or rather the consequences of) the acts of others.⁴² It is a standard critique on traditional (say, pre-Second World War) international law that it located responsibility at the level of collectivities rather than individuals.⁴³ It often has been maintained that the idea of collective responsibility was primitive and immoral, in view of its effects on innocent members of a collectivity.⁴⁴ Modern international criminal law is premised on the idea that no individual may be held accountable, or be punished, for offences that he himself did not commit. In principle, members of a group are not criminally liable for acts performed by other members (notably leaders) of such a groups in which these members themselves did not participate.⁴⁵ Scharf and Williams note that ‘the first function of justice is to expose the individuals responsible for atrocities and to avoid assigning guilt to an entire people’.⁴⁶ Cassese writes: ‘Collective responsibility is no longer acceptable’.⁴⁷ Resorting to

⁴² S. Darcy, *Collective Responsibility and Accountability Under International Law* (Transnational Publishers, Leiden 2007), p. xvi; Vetlesen (n. 3) 158. Cf. the remarks by John Dugard, Special Rapporteur on Situation of Human Rights in the Occupied Palestinian Territories on the effects of the sanctions against Hamas on the Palestinian people (noting that that it was not the Hamas government that was being punished, but the Palestinian people). See presentation by John Dugard, held at the Human Rights Council Special Session on Human Rights Situation on Occupied Arab Territories, 5 July 2006, UNOG Press Release, available at [www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/C9422B675B9EC069C12571A2004F2783?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/C9422B675B9EC069C12571A2004F2783?OpenDocument), accessed 3 July 2008.

⁴³ See e.g. F. Parisi and G. Dari-Mattiacci, ‘The rise and fall of communal liability in ancient law’ (2004) 24 *International Review of Law and Economics* 489–505, available at SSRN: <http://ssrn.com/abstract=451581>, accessed 3 July 2008; D. J. Levinson, ‘Collective sanctions’ (2003) 56 *Stanford Law Review* 351–60. More generally: G. F. Mellema, *Collective Responsibility* (Rodopi Press, Atlanta 1997), ch. 4.

⁴⁴ H. Kelsen, *Law and Peace in International Relations. The Oliver Wendell Holmes Lectures, 1940–41* (Harvard University Press, Cambridge, MA 1942), pp. 97–8. See also S. Levinson, ‘Responsibility for crimes of war’ (1973) 2 *Philosophy and Public* 246 (stating that: ‘No sanction can be directed at an organization – whether the method chosen is a fine or dissolution – without also affecting at least some of the individuals with ties to the entity’).

⁴⁵ But note that development of the joint criminal enterprise doctrine had expanded the possibility that individuals could be held responsible for acts they did not themselves commit; see H. van der Wilt, ‘Joint criminal enterprise and functional perpetration’, this volume, Chapter 7 and E. van Sliedregt, ‘System criminality at the ICTY’, this volume, Chapter 8.

⁴⁶ Scharf and Williams (n. 37) 170.

⁴⁷ A. Cassese, *International Criminal Law* (Oxford University Press, Oxford 2003), p. 136.

collective responsibility would thus be a step back to the primitive collective responsibility from which the international legal order has just liberated itself.

A partial response to this objection is that, in particular situations, responses targeted at the level of the collectivity are justified because a large part of the population or ‘members’ of a group were in fact co-responsible for failing to prevent, for instance, the rise of a political party or a leader who led the collectivity into the criminal acts.⁴⁸ In some cases, a substantial part of the group was indeed involved in the crimes, as was the case in Rwanda during the genocide in the early 1990s.⁴⁹ Also, Jaspers recognized, in the form of political guilt, the responsibility of members of a collectivity for the acts that resulted from their active or passive behaviour.⁵⁰

Another part of the answer is that collective sanctions do not necessarily have effects for all members of the collectivity.⁵¹ While, in theory, it may be true that sanctions imposed on a collectivity affect members of that collectivity, in the practice of international reparations that certainly does not seem to be the case in any substantial way. Darcy notes that, ‘for citizens who are the constituent members of a State, the impact upon them of any consequences of state responsibility is usually negligible’.⁵²

A third objection is that collective responsibility would (re-)introduce the notion of collective guilt in international law. However, responses targeted at the level of the system, particularly if these do not entail criminal responses, need not carry the connotation of collective guilt. They can be

⁴⁸ G. Arrangio-Ruiz, *Fifth Report on State Responsibility, Extract from the Yearbook of the International Law Commission* (vol. III(1) 1993) para. 266, available at http://untreaty.un.org/ilc/documentation/english/a_cn4_453.pdf, accessed 3 July 2008.

⁴⁹ Alvarez (n. 32) 467–8 (noting that: ‘When one percent of a country’s population is under arrest for such offences, amid credible charges that millions were involved in atrocities, an attempt to dissemble on the scope of likely complicity is likely to fail’); M. A. Drumbl, ‘Pluralizing international criminal justice’ (2005) 103 *Michigan Law Review* 1311. Compare H. Mannheim, *Group Problems in Crime and Punishment* (Routledge & Kegan Paul, London 1955), p. 44 (distinguishing various connections between individual and collective responsibility and singling out ‘collective responsibility for mass crime’, in which the larger group is held responsible ‘for crime committed by some considerable section of its members’).

⁵⁰ K. Jaspers, *The Question of German Guilt* (trans., Fordham University Press, New York, NY 2000); Mannheim (n. 49) 62.

⁵¹ C. Tomuschat, *International Law: Ensuring the Survival of Mankind on the Eve of a New Century* (vol. 281, *Recueil des Cours*, The Hague 1999), p. 293.

⁵² Darcy (n. 42) xvii. See e.g. International Crisis Group, ‘After Mecca: engaging Hamas’, Middle East Report No. 62 (28 February 2007) available at www.crisisgroup.org/home/index.cfm?id=4677, accessed 3 July 2008 (discussing effects of the sanctions on Hamas).