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## Fragmented Protection of Women's Rights in Conflict

*An Introduction*

The regulation of women's rights in conflict has travelled a great distance from initial feminist interventions into international law, which identified a 'masculine world' of international law with reinforcing organisational and normative structural factors that excluded women from its practice and women's lives from its areas of concern.<sup>1</sup> States have agreed to limit the lawful conduct of armed conflict – including against female combatants and civilians – under international humanitarian law (IHL),<sup>2</sup> and provided for international criminal jurisdiction over individuals bearing greatest responsibility for the most serious violations of these laws perpetrated against women.<sup>3</sup> The extent to which states can limit the human rights of women, even in times of violent conflict, has been negotiated, litigated and interpreted in various instruments, consensus and interpretative documents grouped under international human rights law (IHRL).<sup>4</sup> Meanwhile, United Nations Security Council (UNSC) responses to threats to international peace and security now recognise – and bring UNSC enforcement procedures – to the threat posed to women by armed conflict.<sup>5</sup> Thus has arisen separate regime activity addressed to regulating women's rights in conflict.

<sup>1</sup> Charlesworth, H., Chinkin, C. and Wright, S. (1991). Feminist Approaches to International Law. *American Journal of International Law*, 85, 613–45.

<sup>2</sup> For an overview, see Krill, F. (1985). The Protection of Women in International Humanitarian Law. *International Review of the Red Cross*, No. 249, 337–63.

<sup>3</sup> Brammertz, S. and Jarvis, M. (Eds.). (2016). *Prosecuting Conflict-Related Sexual Violence at the ICTY*. New York and Oxford: Oxford University Press.

<sup>4</sup> See, for example, Committee for the Elimination of All Forms of Discrimination against Women (CEDAW). (2013). General Recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations. UN Doc CEDAW/C/GC/30 (hereafter GR30).

<sup>5</sup> United Nations General Assembly and Security Council. (2015). Compendium of the High-Level Review of the United Nations Sanctions. UN Doc A/69/941-S/2015/432, 46.

The scale of the humanitarian challenge posed by the situation of women in contemporary conflicts,<sup>6</sup> in addition to increased understanding of the complexity of women's experiences of conflict,<sup>7</sup> provides practical empirical underpinning to overlapping regime activity. The continuing crisis of armed conflict and its impact on women's lives call for multilevel international legal and political responses. Conflict and fragility affect a growing proportion of the world's population.<sup>8</sup> The specific gendered effects on women's physical security, life expectancy, access to food and basic healthcare, family lives and social mobilisation, have never been better understood or documented.<sup>9</sup> Meanwhile, there is little meaningful prospect of armed conflict abating. This book explores the ways in which international law, fragmented into regimes and applied by diverse institutions, regulates and brings scrutiny to the treatment of women's rights in armed conflict.

The overlapping regulation of women's rights in conflict under IHL, international criminal law (ICL), IHRL and the UNSC produces a number of institutional effects that merit further investigation. Uncertainty about the interaction between regimes presents practical and conceptual problems for those responsible for maintaining, understanding and complying with international law, as well as for advocates who engage international law to advance women's rights in conflict. The first institutional effect arises from the proliferating sources of law of the respective regimes, which in turn creates uncertainty around who is bound by any given legal or normative instrument and the potential for self-serving selectivity by states and other parties to conflict in their compliance with relevant norms and obligations. Second, there are concerns about the thematic narrowing of women's rights in conflict under international law and the dominance of prescriptive definitions of conflict that bear little relationship to women's

<sup>6</sup> See generally Buvinic, M., Das Gupta, M., Casabonne, U. and Verwimp, P. (2012). Violent Conflict and Gender Inequality: An Overview. *World Bank Research Observatory*, 28, 110–38.

<sup>7</sup> As evidenced through annual United Nations reporting on the issue, United Nations Secretary-General (2017). Report of the Secretary-General on Conflict-Related Sexual Violence. Security Council. UN Doc. S/2017/249; United Nations Secretary-General (2016). Report of the Secretary-General on Women, Peace and Security. Security Council. UN Doc. S/2016/822.

<sup>8</sup> Melander, E. (2015). Organized Violence in the World 2015: An Assessment by the Uppsala Conflict Data Program. Uppsala: UCDP, [www.pcr.uu.se/digitalAssets/61/c\\_61335-l-1-k\\_brochure2.pdf](http://www.pcr.uu.se/digitalAssets/61/c_61335-l-1-k_brochure2.pdf).

<sup>9</sup> Early landmark reports on this theme include: Rehn, E. and Sirleaf, E. J. (2002). Women, War, and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building. New York: UNIFEM. For a more recent example, see United Nations (2015). Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of UNSC Resolution 1325. New York.

lived experience.<sup>10</sup> Which institution is to prevail in the definition of core concepts, such as 'conflict' and 'women's rights'? Third, concerns arise around the robustness of the attendant monitoring body and enforcement procedure.<sup>11</sup> Who interprets, applies and potentially enforces relevant norms and obligations? From an institutional perspective, it is far from clear that progressive normative development on women's rights in conflict is accompanied by meaningful accountability. Fourth, the different regimes offer a different nature and scale of opportunities for women's participation and feminist influence. This difference can create resource dilemmas for women's organisations unsure of where to concentrate attention and advocacy.<sup>12</sup>

Broad concern with the efficacy and appropriateness of international efforts to regulate and end conflict, including the protection of women's rights therein, is amply demonstrated by the three major United Nations review processes undertaken in 2015, namely the Review of Peacekeeping Operations,<sup>13</sup> the Review of Peacekeeping Architecture<sup>14</sup> and the Global Study on the Implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security.<sup>15</sup> Sustained consideration of the adequacy and appropriateness of the relevant international legal frameworks was a feature of each review. There has been considerable political and material investment by states, advocacy groups and intergovernmental organisations in the development of the contemporary international legal frameworks. It is timely to reflect, therefore, on how international law is operating in practice in the regulation of women's rights in conflict. This book offers a dynamic account of how international law, fragmented into regimes and applied by diverse institutions, regulates and brings scrutiny to women's rights in armed conflict. It reflects on the tensions and gaps in accountability that emerge.

<sup>10</sup> Hudson, N. (2009). Securitizing Women's Rights and Gender Equality. *Journal of Human Rights*, 8, 53–75.

<sup>11</sup> Ní Aoláin, F. (2012). International Law, Gender Regimes and Fragmentation: 1325 and Beyond. In C. M. Bailliet (Ed.), *Non-State Actors, Soft Law and Protective Regimes: From the Margins*. Cambridge: Cambridge University Press, 53–68.

<sup>12</sup> O'Rourke, C. (2017). Feminist Strategy in International Law: Understanding Its Legal, Normative and Political Dimensions. *European Journal of International Law*, 28(4), 1019–45.

<sup>13</sup> United Nations General Assembly and Security Council (2015). Comprehensive Review of The Whole Question of Peacekeeping Operations in All Their Aspects. UN Doc. A/79/95-S/2015/446.

<sup>14</sup> United Nations (2015). Challenges of Sustaining Peace: Report of the Advisory Group of Experts on the Review of the Peacebuilding Architecture. UN Doc. A/69/968-S/2015/490.

<sup>15</sup> United Nations (n. 9).

The book is the first comprehensive study of the protection of women's rights in armed conflict under international law across the four key regimes of IHL, ICL, IHRL and the UNSC. The book engages with the pluralism and institutional diversity of international law in order to make four distinct and original contributions to the study of gender, conflict, women's rights and international law. First, the book investigates across the four regimes of greatest relevance, namely IHL, ICL, IHRL and the UNSC, distilling a clear sense of the comparative advantage of each regime with respect to women's rights in armed conflict. Second, the book investigates interactions between the regimes, examining the productive synergies, reinforcements – and also norm conflicts and lacunae – that emerge. Third, the book utilises country case studies to ground its analysis. Thus, the analysis is not only doctrinal, but is focused on the practical implementation of relevant doctrine through the institutions and mechanisms of international law principally responsible for women's rights in armed conflict. And fourth, the book elucidates the participation potential and practice offered by each regime to women's civil society in norm development, monitoring and enforcement. This introductory chapter sets out the motivations and context for the book, rooted in fragmentation and the proliferation of normative activity under international law for the protection of women's rights in conflict. This chapter discusses the book's methodology and its institutional approach to the study of fragmentation, sets out the book's aim of devising a feminist toolbox<sup>16</sup> for navigating fragmentation, explains the country case study selection and outlines the subsequent chapters.

### 1.1 INTERNATIONAL LAW AND WOMEN'S RIGHTS IN CONFLICT

Given the formerly prevailing 'silence' of international law on women's status and rights in armed conflict,<sup>17</sup> the proliferation of legal standards and obligations in recent years offers promise. We can now credibly point to a corpus of international law regulating the treatment of women in armed conflict. This is attributable to a considerable growth in the activity of feminist lawyers,

<sup>16</sup> The concept of feminist toolbox draws on the International Law Commission's distillation of a professional 'tool-box' for dealing with fragmentation by international lawyers, namely the techniques of *lex specialis* and *lex posterior*, of *inter se* agreements and of the superior position given to peremptory norms and the notion of obligations *erga omnes*. International Law Commission (2006). Fragmentation of International Law: Difficulties arising from the Diversification and Expansion of International Law. UN Doc. A/CN.4/L.682. See further *infra* Chapter 9.

<sup>17</sup> Gardam, J. (1997). Women and the Law of Armed Conflict: why the Silence? *International and Comparative Law Quarterly*, 46, 55.

diplomats and pressure groups in response to the practical needs of specialisation around women's experiences of conflict. It evidences a recognition that, to quote Judge Weeramantry's dissent in the *Nuclear Weapons* case, 'complex problems have ramifications in many specialized directions'.<sup>18</sup> The challenge of guaranteeing women's rights in conflict is indeed a complex one.

Most discussion of fragmentation adopts a doctrinal approach, focusing on conflict between different legal norms and how to resolve such conflicts within the non-hierarchical structure of international law. The landmark study of the International Law Commission reflects and articulates such concerns about 'inconsistent' norm development leading to potential norm conflicts, principally due to different parties to different regimes and the proliferation of interpretative bodies.<sup>19</sup> From the perspective of the International Law Commission, and others, the rise of specialised rules and rule-systems – that have no clear relationship to each other – means that answers to legal questions become dependent on whom you ask and/or the rule-system of your focus. Thus, mainstream study of fragmentation has focused on concerns of system coherence for international law. However, the relevant laws are implemented by separate institutions with widely varying powers of monitoring and enforcement, such as the International Committee of the Red Cross (ICRC), the International Criminal Court (ICC), human rights treaty monitoring bodies and the UNSC. Proliferating normative development on women's rights in conflict therefore has significant institutional implications that are roundly underexamined. This section gives a preliminary mapping of how institutional activity on women's rights in conflict first emerged across IHL, ICL, IHRL and the UNSC. Moreover, the section identifies how developments continue across the same regimes, but each of these regime-specific activities are increasingly difficult to confine to a single regime.

### 1.1.1 *The Emergence of a Fragmented Response*

The thematic issue of women's rights in conflict first entered the international domain as a subsidiary issue of the global problem of violence against women. The success of a transnational women's movement in organising across borders and effectively mobilising in order to bring violence against women to the global agenda is well-documented.<sup>20</sup> The normative traction of the issue in the

<sup>18</sup> *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996 ICJ Reports 226, 151.

<sup>19</sup> International Law Commission (n. 16).

<sup>20</sup> See, for example, Reilly, N. (2009). *Women's Human Rights: Seeking Gender Justice in a Globalizing Age*. Cambridge and Malden, MA: Polity.

immediate post-Cold War years was most pronounced within the international human rights system. In 1992, the monitoring Committee of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>21</sup> adopted its landmark General Recommendation Number 19, addressing violence against women as a violation of women's human rights.<sup>22</sup> In 1993, violence against women emerged as the central policy concern of the Vienna World Conference on Human Rights.<sup>23</sup> The appointment of a Special Rapporteur on Violence against Women by the UN Commission on Human Rights in 1994 consolidated these earlier developments to firmly establish ending violence against women as a human rights priority.<sup>24</sup> Importantly, while these developments did not principally concern violence against women in conflict-settings, each included reference to specific manifestations of violence against women in conflict.<sup>25</sup>

Developments under IHRL formed the crucial backdrop to the recognition of gender crimes under the nascent canon of ICL in the 1990s.<sup>26</sup> An important milestone in the international community's awareness of the gender-specific impact of conflict on women is reflected in the Report of the Commission of Experts established by the UNSC to document war crimes, crimes against humanity and evidence of genocide occurring in the former Yugoslavia,<sup>27</sup> that ultimately led to the UNSC's establishment of the International Criminal Tribunal for the former Yugoslavia.<sup>28</sup> Both the scale and prominence of rape and sexual violence in the Report brought unprecedented international attention to the phenomenon, as well as an emergent focus (which has endured) on ending impunity for such violence. The ad hoc tribunals established by the

<sup>21</sup> Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, 1249 UNTS 13 (hereafter CEDAW).

<sup>22</sup> Committee on the Elimination of All Forms of Discrimination Against Women (1992). General Recommendation No. 19: Violence against Women. UN Doc. A/47/38.

<sup>23</sup> Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, UN Doc. A/CONF.157/23, paragraph 38.

<sup>24</sup> United Nations Commission on Human Rights, Resolution 1994/45 to appoint a Special Rapporteur on violence against women, including its causes and consequences, adopted on 4 March 1994.

<sup>25</sup> For example, *ibid.*, paragraph 3.

<sup>26</sup> 'Recent steps within the international community to ensure that women's rights are recognized as human rights and to enhance the accountability of governments for violence against women are as much an integral part of the overall counter-attack on the war against women as are the more publicized and dramatic responses to events in the former Yugoslavia.' Chinkin, C. (1994). Rape and Sexual Abuse of Women in International Law. *European Journal of International Law*, 5, 326–41, 341.

<sup>27</sup> Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), UN Doc. S/1994/674.

<sup>28</sup> UNSC Resolution 827 (1993).

UNSC to prosecute international crimes perpetrated in conflicts in the former Yugoslavia and Rwanda produced a series of landmark cases recognising sexual- and gender-based offences as constitutive of the most egregious crimes under ICL.<sup>29</sup> This focus on ending impunity achieved its legal high watermark with documented feminist successes in the criminalisation of sexual- and gender-based violence throughout the 1998 Rome Statute.<sup>30</sup>

Developments led by the UN General Assembly proved critical to broadening the emergent focus from violence against women in armed conflict to the more expansive thematic area of women's rights in armed conflict. The Fourth World Conference on Women convened by the UN General Assembly in 1995 and the resulting Beijing Declaration and Platform for Action was a critically important milestone. Due largely to effective advocacy by the large civil society presence at the conference, one of the twelve identified 'critical areas of concern' to emerge as consensus areas of priority for the Beijing Platform for Action was 'women and armed conflict'.<sup>31</sup> Thus, the Beijing Platform for Action addressed the relationship between peace, development and women's rights,<sup>32</sup> and the harmful impact of military spending and the arms trade in diverting resources away from development.<sup>33</sup> It identified the impact of conflict in increasing the caring burden on women as caretakers of children and the elderly,<sup>34</sup> in addition to 'the lifelong social, economic and psychologically traumatic consequences of armed conflict, foreign occupation and alien domination'.<sup>35</sup> Beijing was also critical in establishing women's participation in decision-making, including in issues of conflict prevention, management and resolution, as essential to achieving gender equality.<sup>36</sup> Indeed, the key strategic objective emerging from the women and armed conflict 'critical area of concern' in the Beijing Platform for Action was to '[i]ncrease the participation of women in conflict resolution at decision-making levels and protect

<sup>29</sup> See further *infra* Chapter 2. See also Brammertz and Jarvis (n. 3).

<sup>30</sup> See generally Bedont, B. and Hall Martinez, K. (1999). Ending Impunity for Gender Crimes under the International Criminal Court. *The Brown Journal of World Affairs*, 6(1), 65–85.

<sup>31</sup> Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995, U.N. GAOR, 1995 Sess., Agenda Item 165, at 131, 136, UN Doc. A/CONF.177/20 (1995) (hereinafter Beijing Declaration and Platform for Action), Chapter 4, paragraphs 131–49.

<sup>32</sup> *Ibid.*, paragraph 131.

<sup>33</sup> *Ibid.*, paragraphs 13 and 138.

<sup>34</sup> *Ibid.*, paragraph 133.

<sup>35</sup> *Ibid.*, paragraph 135.

<sup>36</sup> *Ibid.*, paragraph 13. For a critical account of the focus on participation at Beijing, see Otto, D. (1996). Holding Up Half the Sky but for Whose Benefit? A Critical Analysis of the Fourth World Conference on Women. *Australian Feminist Law Journal*, 6, 7.

women living in situations of armed and other conflicts or under foreign occupation'.<sup>37</sup>

The emphasis on women's participation in conflict prevention, management and resolution gathered significant further traction in the aftermath of the Beijing Conference, ultimately leading to the adoption of landmark UNSC Resolution 1325 on Women, Peace and Security (WPS) in 2000. The emphasis on participation is understood as twofold: first, that exclusion from relevant decision-making and programming is *of itself* a violation of women's rights in conflict; and second, that women's participation could inform more effective conflict resolution, peacebuilding and enduring conflict-prevention. Thus, the identification of the exclusion of women from decision-making as a negative gendered cause and consequence of conflict has been important in informing the international community's understanding of the gendered effects of conflict. Resolution 1325 addresses the need for the protection of women from gender-specific effects of conflict, the need for the integration of a gender perspective throughout conflict prevention, management and peacebuilding and the need to address women's gender-specific needs throughout relief and recovery activities.<sup>38</sup>

IHL, also, was influenced by this busy period of norm development and thematic activity concerning women's rights in armed conflict. In 2001, the ICRC published its landmark *Women Facing War* Report. This was the first sustained and systematic documentation of the routine violations of women's rights as civilians in conflict under IHL.<sup>39</sup> The Report involved fine-grained analysis of the impact of conflict on women, informed by ICRC country missions, on women's personal safety and freedom of movement,<sup>40</sup> women's access to food and water and to the means for safe food preparation,<sup>41</sup> sources of livelihood<sup>42</sup> and shelter,<sup>43</sup> access to health and healthcare, including basic standards of hygiene and sanitation,<sup>44</sup> education and information<sup>45</sup> and the impact on the maintenance of the family unit.<sup>46</sup> In addition to the impact on civilian women, the Report addressed the particular humanitarian needs and

<sup>37</sup> Beijing Declaration and Platform for Action (n. 31) Chapter 4, paragraph 141.

<sup>38</sup> UNSC Resolution 1325 (2000).

<sup>39</sup> International Committee of the Red Cross. (2001). *Women Facing War: ICRC Study on the Impact of Armed Conflict on Women*. Geneva: ICRC.

<sup>40</sup> *Ibid.*, 42–75.

<sup>41</sup> *Ibid.*, 76–92.

<sup>42</sup> *Ibid.*, 93–101.

<sup>43</sup> *Ibid.*, 102–9.

<sup>44</sup> *Ibid.*, 110–23.

<sup>45</sup> *Ibid.*, 136–40.

<sup>46</sup> *Ibid.*, 124–35.



entitlements of women detained and interned during conflict, addressing issues such as housing, security, food and water, healthcare and sanitation and maintaining family links while in detention. Overall, these interventions were intended to improve operational responses to violations of IHL experienced by women.

### 1.1.2 *The Contemporary Fragmented Response*

The emergence of women's rights in armed conflict as a priority thematic area under IHL, ICL, IHRL and the UNSC is mirrored today in contemporary developments across the same regimes. Four examples are illustrative: increased attention by scholars and advocates to practical measures to improve compliance with IHL, including specific attention to female civilians;<sup>47</sup> dedicated institutional activity to improve the number and sensitivity of prosecutions of gender- and sexual-based violence at the ICC;<sup>48</sup> the priority given by the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW Committee) to the impact of conflict on women's human rights;<sup>49</sup> and the growing inclusion of sexual violence in armed conflict within sanctions criteria by the UNSC.<sup>50</sup> However, it is also clear that each of these regime-specific activities is difficult to confine to a single regime.

The first example is the increased focus on inducing compliance with IHL, including specific attention to female civilians, in particular in contexts in which IHL's strict application may be contested. The consultation with states on this question was conducted by the ICRC and Switzerland between 2011 and 2015.<sup>51</sup> This initiative emerged from recognition that it was not principally the absence of law that was resulting in casualties, destruction and unprecedented violations against civilians, but flagrant breaches of the most fundamental rules of IHL. Further, this toll on civilians was recognised to have a particular impact on women, most prominently in the widespread sexual violence and also the disproportionate gendered impacts of displacement.<sup>52</sup>

<sup>47</sup> For example, Gillard, E.-C. (2016). *Promoting Compliance with International Humanitarian Law*, London: Chatham House; Krieger, H. (ed). (2015). *Inducing Compliance with International Humanitarian Law: Lessons from the African Great Lakes*. Cambridge and New York: Cambridge University Press.

<sup>48</sup> International Criminal Court Office of the Prosecutor. (2014). *Policy Paper on Sexual and Gender-Based Crimes*. The Hague: ICC-OTP.

<sup>49</sup> CEDAW (n. 4).

<sup>50</sup> UN General Assembly and Security Council (n. 5).

<sup>51</sup> 31st International Conference of the Red Cross and Red Crescent, Resolution 1 – Strengthening legal protection for victims of armed conflicts, 31IC/11/R1, paragraphs 6–8.

<sup>52</sup> Ibid., paragraph 3.

Of particular concern in these efforts towards improved compliance is the role and status of non-state armed actors. While advocates of civilian protection argue forcefully for the need to include non-state actors in the dialogue over how to improve non-state actor compliance, states typically resist any potential elevated status in international lawmaking and enforcement by non-state armed groups. These tensions manifest also in discussions over the protection of female civilians<sup>53</sup> and give rise to discussions about an increased role for ICL in bringing individual non-state actors to account.<sup>54</sup> Alternatively, an enhanced role for IHRL can be considered, in holding states accountable for the violations of women's human rights perpetrated by non-state actors,<sup>55</sup> or for the UNSC in 'naming and shaming' perpetrators and pursuing enforcement measures against non-state armed actors.<sup>56</sup>

The second example of contemporary institutional activity is efforts to improve the number and sensitivity of prosecutions of gender- and sexual-based violence under ICL at the ICC.<sup>57</sup> The ICC is the world's first permanent court for the prosecution of individuals under international jurisdiction. The Rome Statute allows for prosecution by the ICC in situations where the responsible state is 'unwilling or unable' to pursue domestic prosecution.<sup>58</sup> The subject matter jurisdiction of the Court is limited to war crimes, crimes against humanity, genocide and aggression. As popularly conceived, the ICC is aimed at curbing impunity for the worst offences against civilians in conflict by state and non-state actors, and there was significant celebration at the inclusion of gender crimes in the text of the treaty.<sup>59</sup> In practice, however, prosecutions to date have exclusively involved rebel leaders and the gender jurisprudence has been limited.<sup>60</sup>

Increasingly, advocates of ICL have sought to advance accountability for international crimes against women by advocating 'positive complementarity' and enhanced emphasis on the role of domestic courts in prosecuting international crimes.<sup>61</sup> Practical measures to this end include the agreement by

<sup>53</sup> For discussion, see Gillard (n. 47), 3–4.

<sup>54</sup> *Ibid.*, 6.

<sup>55</sup> See, for example, CEDAW (n. 22), paragraph 16.

<sup>56</sup> See generally Heathcote, G. (2012). Naming and Shaming: Human rights accountability in Security Council Resolution 1960 (2010) on Women, Peace and Security. *Journal of Human Rights Practice*, 4(1), 82–105.

<sup>57</sup> International Criminal Court Office of the Prosecutor (n. 48).

<sup>58</sup> See further *infra* Chapter 2.

<sup>59</sup> Bedont and Martinez (n. 30).

<sup>60</sup> See further Chappell, L. (2016). *The Politics of Gender Justice at the International Criminal Court: Legacies and Legitimacy*. Oxford: Oxford University Press.

<sup>61</sup> Open Society Justice Initiative (2011). *Putting Complementarity into Practice: Domestic Justice for International Crimes in DRC, Uganda and Kenya*. New York: Open Society Foundations.