

Effect of human security law & International Criminal Court (ICC) or regional equivalents on diplomatic relations & peaceful dispute resolution

International legal institutions support peaceful dispute resolutions, though ICC prosecutions can undermine them.

Geographic focus: Global

Effect: Large effect ($g=0.437$)

Confidence in study findings: Low (3 studies with 53 effect sizes)

Short summary

International legal institutions support peaceful dispute resolutions, though ICC prosecutions can undermine them. ICC supports peaceful negotiations when it plays an oversight role rather than undertaking prosecutions. Membership of United Nations Convention on the Law of the Sea (UNCLOS) facilitated both third-party and bilateral settlement of maritime disputes. We have low confidence in the findings due to the limited number of the studies in the cell.

Long summary

The intervention

Human security law and International Criminal Court (ICC) or regional equivalents refers to the use, revision, or development of law, covering conventions, treaties and standards, to prevent a conflict or atrocity from emerging or escalating. Law and conventions typically include a suite of other interventions to hold states to account and to attempt to enforce compliance by affected parties and include efforts to protect and uphold human rights.

The use of international or regional to prosecute individuals who commit genocide, war crimes and crimes against humanity. This primarily focuses on the use and role of the International Criminal Court (ICC), which is legally and functionally independent from the United Nations. But regional bodies that seek to prosecute individuals on similar ground will also be considered.

The studies in this cell look specifically at ICC and the United Nations Convention on the Law of the Sea (UNCLOS).

How the intervention is expected to work

The International Criminal Court (ICC) is a permanent international court that investigates, prosecutes, and tries individuals accused of the most serious crimes of concern to the international community: genocide, crimes against humanity, war crimes, and the crime of aggression. The existence of the court is intended to act as deterrent to potential perpetrators.

The UN Convention on the Law of the Sea (UNCLOS) is an international treaty that establishes a comprehensive legal framework for all activities within the world's oceans and seas, regulating issues such as territorial waters, navigation rights, resource exploitation, and environmental protection. It acts as a "constitution for the oceans" and outlines the rights and obligations of states in relation to ocean space and its resources. UNCLOS provides states which are signatories a framework for the peaceful resolution of territorial disputes.

The evidence base

The cell contains 4 studies: 3 impact evaluations designed as quasi-experimental studies 1 qualitative study (Birkeland 2009). There is consistency in findings across studies. The studies are from Uganda (1) and present the global context (3).

Evidence findings

International legal institutions overall help reduce conflict, though there is heterogeneity in the findings. ICC involvement in peace negotiations influenced mediation, with 58.1% mediation in conflicts involving ICC-targeted parties, compared to 20.5% without. However, where the ICC moved to prosecution this was associated with the failure of peace talks - success is associated with an ICC oversight role.

UNCLOS membership doubled third-party settlements and bilateral negotiations over maritime disputes, whereas Economic Exclusive Zones (EEZ) boundaries support mainly bilateral negotiations.

Included studies

There are 3 impact evaluations in the cell and evidence summaries of the 3 studies are thus provided here:

Duursma (2020) examined how ICC involvement affect the peace process in three distinct ways, through looking at the association between ICC involvement and (1) the onset of mediation (the pre-negotiation phase); (2) the conclusion of peace agreements (the negotiation phase); and (3) conflict resolution (the implementation phase), defined as the conclusion of a peace agreement that leads to a termination of the conflict. This is a quasi-experimental study. The study used data from the Uppsala Conflict Data Program (UCDP) on intrastate conflicts between 2002 and 2018. ICC arrest warrants do not inhibit the onset of mediation. Neither do ICC arrest warrants seem to prevent peace agreements from being concluded. Crucially, however, ICC arrest warrants do seem to undermine the prospects for conflict resolution, defined as the termination of a conflict through a negotiated settlement. The study was rated as medium confidence as it is a non-experimental study, and the study has a partial description of the intervention.

Nemeth (2007) evaluated two primary mechanisms for resolving competing maritime claims 1) the creation of private ownership of maritime zones in the form of Economic Exclusive Zones (EEZs), and 2) the creation of an institution, the United Nations Convention on the Law of the Sea (UNCLOS), to establish standards for maritime claims and resolve disputes. The study is designed as non-experimental study design. The data involved UNCLOS and EEZs on the peaceful and militarized management of maritime claims in the Western Hemisphere and Europe (1900-2001). There are a total of 272 claim dyad years for the Gulf of Fonseca maritime claim (through 2001). In the Western Hemisphere, Western Europe, and Eastern Europe, there are a total of 3,231 claim dyad-years from 1900-2001. The analyses suggest that declared EEZs work more efficiently for helping parties reach equitable agreements in bilateral negotiations, although membership in UNCLOS promotes more frequent third-party conflict management efforts. The study is rated as medium confidence due to non-experimental study design and partial description and definition of outcomes.

Reilly (2019) assessed that how the International Criminal Court affects the occurrence and outcome of peace negotiations. The role the Court plays is conditioned by the combination of the formal nature of the Court's involvement in the situation, the Court's public relations approach, and the public statements of human rights and peace advocates about the Court's involvement and normative commitments. The study has a quasi-experimental design. The author conducts logistic regression analysis of 367 instances of peace negotiations to end civil wars. The results confirm that international prosecution either makes peace negotiations more

likely to completely fail or more likely to end in a comprehensive peace agreement. Specifically ICC prosecutions undermine peace agreements, whereas if ICC plays an oversight role it helps facilitate peace agreements. The study is rated as medium confidence due to non-experimental study design and partial description

Confidence assessment

Overall low confidence as there are only 3 studies in the cell. There is consistency in findings across all 3 studies, but heterogeneity within the studies.

Other outcomes in the studies

No other outcomes