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Navigating between principle and pragmatism : the roles and functions of atrocity-related United Nations Commissions of Inquiry in the international legal order

Harwood, C.E.M.

Citation

Harwood, C. E. M. (2018, November 7). *Navigating between principle and pragmatism : the roles and functions of atrocity-related United Nations Commissions of Inquiry in the international legal order*. s.n., S.l. Retrieved from <https://hdl.handle.net/1887/66791>

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Author: Harwood, C.E.M.

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Issue Date: 2018-11-07

PROPOSITIONS

Propositions relating to the dissertation ‘Navigating Between Principle and Pragmatism: The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order’, by Catherine E. M. Harwood

1. United Nations (UN) atrocity inquiries are usually established in connection with ideals of the rule of law and accountability for violations, but as the institution of inquiry remains flexible, these bodies can also be established in pursuit of diplomatic goals and concessions may be made to encourage state cooperation [Chapter 2].
2. In situations where states refuse to cooperate, commissions adopt pragmatic approaches to information gathering and assessment to avoid frustrating the mandate, leading to a trade-off between commissions’ authority and the utility of their reports [Chapter 3].
3. When using the language of international law, commissions borrow from judicial pedigree to make a case for principled action and selectively engage with legal frameworks in light of their strategic aims and practical challenges [Chapter 5].
4. The legal and non-legal elements of UN atrocity inquiry make these bodies well-placed to engage with legal, moral and political elements of accountability and also renders them as actors participating in the politics of accountability [Chapter 6].
5. The navigation of principle and pragmatism by UN atrocity inquiries is a microcosm of the wider dynamics of the UN itself.
6. When non-judicial fact-finding bodies qualify atrocities as international crimes, international criminal law is essentialised through the prism of a human rights approach and bears little relation to its application inside the courtroom.
7. The popularity of establishing non-judicial fact-finding mechanisms with a view to ensuring accountability is a symptom of the continuing gaps in the international legal order between primary norms and means of enforcement.
8. In a ‘post-truth’ era, fact-finding re-emerges as a crucial tool to overcome denialism, insert an independent voice into political debates and inform stakeholders’ responses to situations of atrocities.
9. “The future [of inquiry] is whatever you make it.”

– Doc, *Back to the Future*