The Non- Governmental Organization Coalition for an International Criminal Court: A Case Study on NGO Networking

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i

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(ABSTRACT)

The aim of this project is to examine the emergence of non- governmental organization (NGO) networking by conducting a case study of the NGO Coalition for an International Criminal Court (CICC). It explores the role of this Coalition in the context of the growing movement towards a "global civic politics." An in- depth look at this Coalition is unveiled through primary sources, interviews, and observations. Using a three- tiered model of networking, one can better understand NGO collaboration and networking that are unique in the field of international human rights law and indicative of a new trend in international politics. This model is developed from Timothy Luke and Gearóid Ó Tuathail's conception of geopolitical nature, Castells' conception of networks, and then modified to apply to political mediation.

NGOs have acted as part of the engine behind the creation of an International Criminal Court in numerous ways. They have amassed over 9oo organizations in support of a strong permanent court, as well as fostered relationships with the United Nations, and state governments, and regional blocs. By using this three- tiered framework, I will investigate the networking capacity and functions of the Coalition. The basic research question to be answered is: How does the CICC explain the role of NGOs as mediating agents between states and institutions within the context of contemporary global society?

Table of Contents

List of Tables

List of Acronyms

ADB   Asian Development Bank
ACHR   American Convention on Human Rights
ASEAN   Association of South East Nations
CDAW   Convention on the Elimination of All Forms of Discrimination
                  Against Women
CERD   International Convention on the Elimination of All Forms of
                 Racial Discrimination
CICC   Coalition for an International Criminal Court
CRC   Convention on Rights of the Child
ECOSOC   Economic and Social Council of the United Nations
EOF   Entry- Into- Force
EU   European Union
EX-IM   US Export- Import Bank
ICCPR   International Covenant on Civil and Political Rights
ICESC   International Covenant on Economic, Social, and Cultural Rights
ICC   International Criminal Court
ICTR   International Criminal Tribunal for Rwanda
ICTY   International Criminal Tribunal for former Yugoslavia
IGO   inter-governmental organization
IMF   International Monetary Fund
MFN   most- favored nation status
NAFTA   North American Free Trade Agreement
NATO   North Atlantic Treaty Organization
NGO   non- governmental organization
OAS   Organization of American States
OAU   Organization of African Unity
OPEC   Organization of Petroleum- Exporting Countries
OPIC   Overseas Private Investment Corporation
OSCE   Organization for Security and Cooperation in Europe
PrepCom   Preparatory Commission for the International Criminal Court
UN   United Nations
UNICEF   UN Children's Fund
WTO   World Trade Organization

INTRODUCTION

Outline of Project

Chapter 1   Theoretical Basis

The first chapter is an overview of certain theoretical orientations underpinning this research. This is an exploratory project, and seeks to reveal information through primary sources such as interviews and official CICC policy documents. By grounding the newly formed CICC networking activities in contemporary literature, this study adds a new layer of complexity and understanding to the existing research on NGOs. The literature review surveys previous works, and explains why this project is justified. The next section is a broad discussion of non-governmental organizations as actors in international politics. I reference what type of role they play and how they have been treated in research analysis. The following section is a discussion of "networks" and how I use the term to explore contemporary NGO- to- NGO interactions.

The final section details my project: its purpose and the proposed plan of action on this project. I outline how I plan to contribute to this particular subject matter and explain my methodology regarding the CICC Coalition as a case study. The methods section details why I chose the specific case study and components, how I obtained the information base, and original expectations for the results.

Chapter 2   Background: The Journey to an International Criminal Court

Chapter Two begins with a historical overview of the background of international law, and continues with a condensed discussion of the development of the International Criminal Court to give the reader a historical view of concept development. The next section includes a detailed account of the Coalition: what it is, what it does, and what its goals are. At the ICC plenipotentiary in Rome (July 1998), the final document was stronger than most NGOs had hoped to attain. Yet there is a long road ahead to attain the 60 ratifications necessary for entry into force, when the treaty will attain international legal standing. Even more so, a strong permanent court will require complex implementation legislation that is currently being pioneered in countries such as France and Canada. Throughout its development, however, NGOs have been highly involved at every step of the process. This chapter sets the stage for the case study presentation and analysis.

Chapter 3   The CICC: A Network in Progress

This chapter is a discussion of how the CICC facilitated this network and seeks to demonstrate its functioning features. Using my research and interview responses, I describe the CICC through a three- tiered geopolitical conceptualization. I then reconstruct this arrangement to gear it towards a network analysis. The first tier is the traditional form, in which spatial proximity and elite govern power structures. In this form, face- to- face interaction and informal aspects of networking are key. Secondly, modern aspects of the network involve the "hierarchical system" in that assigned roles and chains of command exist. As applied to the CICC, it has defined and limited relationships with the United Nations and state governments, in which it must lobby sometimes as an outsider. The third tier of network used is the postmodern, in which interaction is spatially dispersed and mediated by information technology. I contend that the CICC is in effect a convergence around a specific issue and function rather than strictly organized by institutional chains of command. The post- modern aspects are apparent in its tandem nature, horizontal relationships, and coalescing character. This section constitutes a large amount of the discussion, as it is the least developed area of research. I utilize this three-tiered approach to analyze my case study because it encompasses a historical understanding of network behavior yet has enough flexibility to grapple with current developments. The categorizations are meant to complement each other by revealing multiple layers of understanding, rather than to create exclusive classifications. The CICC exhibits numerous qualities across all three tiers, and provides an appropriate framework for this case study.

Chapter 4   Analysis and Evaluation

The last chapter relates the findings of the case study to the broader questions of the project. I first discuss specific impacts of the CICC on international law- making and assess the utility of the model. After highlighting some challenges and goals, I turn to the function of the coalition as an agent of coordination. I conclude by speculating on the role of NGOs and networking in international politics. By evaluating the conclusions from the case study, I assess the validity of devoting research to further exploration of this issue.

CHAPTER 1: Theoretical Basis

Traditional political science analysis conceives of states as the primary actors affecting policy change in world politics. Today's "global civil society" requires a more complex analysis, including not only states, but also a multitude of actors such as non- governmental organizations (NGOs), multi- national corporations, inter- governmental organizations, and regional alliances, such as the European Union. This project will investigate the proliferation and influence of non- governmental organizations in contemporary international politics. The *Yearbook of International Organizations* currently lists over 12,000 NGOs, up from only a few hundred in the 1950s. As non- state actors, NGOs can be defined in a remarkably broad sense: technically, any organization that is not directly affiliated with a government or corporation. However, defining NGOs in such a holistic way is problematic; in general, scholars have found the task of conceptualizing NGOs and their interactions an elusive one. Chayes and Chayes (1998) point out the following regarding NGO proliferation:

> This multitude of groups is so disparate and varies along so many dimensions- size, organization, objectives, location, staffing, funding sources, membership, strategy, life cycle- that it is hard to generalize about their activities or impact. Systematic scholarly work is really just beginning. Indeed, even efforts to define NGOs in a way that distinguishes them sharply from other private actors in civil society have not been very impressive (252).

NGOs generally operate as non- profits advocating certain values or norms, and may deal with one issue or a multitude, in one area or across the globe. Their goals and tactics are remarkably varied, but clearly trends are emerging concerning their increasing volume, level of activity, and legal standing within international organizations. Gordenker and Weiss (1996) discuss the need for further study:

> Despite the rapidly rising curve of NGO numbers and activity… a firm consensus about their nature and function remains elusive (32). Because NGOs increasingly affect world politics, theoretical and practical understandings of NGO activities are intrinsically important (44). More reflection and less action is sometimes in order… much remains to be done to approach a comprehensive theory of NGOs. Further work would develop deeper information on how NGOs are constructed and how they operate (210).

This case study seeks to elucidate the characteristics and functions of a particular group of NGOs in order to increase our understanding of their networking and coordinating functions

vis- a vis the CICC. Before launching into the project, it is essential to address previous work on this subject and discuss various approaches that have been used.

1.1   Literature Review

Non- Governmental Organizations

The literature regarding non-governmental organizations is often placed in a realist vs. transnationalist framework, arguing that a multi- dimensional and fluid view of world politics better helps to explain NGO activity than the state- centric Westphalian tradition.[1] Alternative theories such as international regime theory, organizational theory, and the notion of epistemic communities have also been applied to the emergence of NGOs in global politics.[2] Although useful, each of these presents certain limits in the analysis of NGO activity. For example, regime theory focuses on the broader interplay among a range of actors and norms. Peter Katzenstein defines norms as "a description of collective expectations for the proper behavior of actors with a given identity" (in Keck and Sikkink 1996). Around these norms form informal bodies which create processes and networks to embody them. As one example of a norm- building entity in international law, an international regime is defined by Stephen Krasner as "principles, norms, rules, and decision- making procedures around which actors' expectations converge in a given area of international relations," which has operated as the consensus definition over the last decade (Hasenclever 1997:9). Yet, regime theory can be criticized for being too vague: it does not develop criteria to determine how regimes are created and how they coordinate information.

Within regime theory, realist, neo- liberal, and cognitivist schools are expounded around different motives and foci. Cognitivism is useful in that it emphasizes knowledge and ideas to explain behavior; yet it still adopts states as the primary unit of analysis. Organizational theory is for the most part limited to internal workings of particular organizations; and discourse on

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[1] See Otto, Dianne. "Nongovernmental Organizations in the UN System: The Emerging Role of International Civil Society." *Human Rights Quarterly* 18.1 (1996)107-141.

[2] "Even if it is accepted that the state is the primary unit of international relations, the political and legal explanations based on self- interest leave little room for autonomous NGO activity… The state is an abstraction. Governments, not states, actually make decisions to cooperate or not. Governments consist of people, a point that NGOs obviously do not neglect. Organization theory posits that organizations are made up of people who work together to produce a particular product by means of a relevant technique. In transnational organizational relationships, which include those formed by NGOs, it is natural that a web of informal links develops to confront issues defined in the formal structures. Epistemic communities, too,

epistemic communities centers around scientific entities and the use of technology.[3] Epistemic communities can be defined as: "networks of professionals with recognized expertise and competence in a particular domain and an authoritative claim to policy- relevant knowledge within that domain or issue- area" (P.Haas 1992:3 in Hasenclever 1997). Again, the unit of analysis is limited to an organizational group, rather than convergence around the issue itself, which is independent of a concrete group of actors. Overall, none of these international relations theories is quite adaptable enough to probe the layers of NGO networking I will attempt to unfold, particularly considering that the NGO interactions are my main unit of analysis.

The application of NGO proliferation to the idea of an emerging global civil society, or world civic politics, is an approach used in numerous studies of NGO activity.[4] While this idea is helpful in approaching the subject matter, it is also vague and difficult to measure. Paul Wapner, in his discussion of transnational environmental activist groups, characterizes "world civic politics" as:

> "That slice of life which exists above the individual and below the state, yet across national boundaries; a complex network of economic, social, and cultural practices based on friendship, family, the market, and voluntary affiliation. The interpenetration of markets, the intermeshing of symbolic meaning systems, and the proliferation of transnational collective endeavors signal the formation of a thin, but nevertheless present, public sphere where private individuals and groups interact for common purposes (1995:1-2)."

Conceptualizing NGO networking in this manner is indeed merited and useful. In addition, a good deal of studies has focused on specific issue areas. A majority of the existing effort to come to terms with the NGO proliferation has been spent in the areas of environmental

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would appear to be relevant to a better understanding of NGOs, although its emphasis on technological expertness may limit its appropriateness to a narrow range of issues." (Gordenker, and Weiss 1996, 34-5)

[3] See Hasenclever, Andreas and Peter Mayer and Volker Rittberger. *Theories of International Regimes.* University Press: Cambridge, 1997.

[4] Refer to: Clark, Ann Marie, Elisabeth Friedman and Kathryn Hochstetler. The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights, and Women. World Politics 51.1 (1998) 1-35 and "Sovereignty, Global Civil Society, and the Social Conferences: NGOs and States at the UN Conferences on Population, Social Development, and Human Settlement" International Studies Association 40th Convention, Washington DC 2-16-1999.; Otto, Dianne. "Nongovernmental Organizations in the UN System: The Emerging Role of International Civil Society." Human Rights Quarterly 18.1 (1996)107-141.; Smith, Jackie, Ron Pagnucco and George Lopez. *Globalizing Human Rights: The Work of Transnational Human Rights NGO's in the 1990's.* Human Rights Quarterly 20.2 (1998) 379-412.; Wapner, Paul. *Politics Beyond the State: Environmental Activism and World Civic Politics.* World Politics, April 1995 v47 n3 p311(30).

issues, gender/ women's rights, and general human rights.[5] Research has also focused on the

relationship of NGOs to the United Nations.[6] Several case studies have been conducted for

specific countries or geographical areas, such as Latin America and Africa.[7] Overall, the

existing literature on NGOs is growing but far from complete; in a sense, the theory has not kept

pace with current events.

One way to gauge the participation of NGOs in international politics is to track their

involvement in, and impact on, UN conferences.   At the founding conference in San Francisco

in 1945, forty- two organizations were invited to be "consultants" to the US delegation. By 1992

at the Conference on the Environment and Development in Rio de Janeiro, 1,400 NGO

representatives were present. Only a year later at the World Conference on Human Rights in

Vienna, Austria, the NGO Forum reported that 2,721 individual representatives attended

meetings from at least 1,529 NGOs (Gordenker and Weiss 1996).[8] This proliferation may

suggest that NGOs might be creating a form of "bottom- up" multi- lateralism by creating a

forum for cross- border political participation, a growing representative space for "global civil

society."

As previous research indicates, NGOs can be categorized in a multitude of ways. For

instance, Gordenker and Weiss analyze NGO dimensions in four categories: organizational

(geographic range, support base, finance, etc), governance (national, local, global, etc), strategic

(single issue, lobbyists, church related, etc), and output (activities and results) (1996:42). For the

purposes of this research, I developed a list of characteristics from which to differentiate them:

location of central office; organizational mission; membership size (paid/ unpaid employees);

date formed; level of interaction at local, domestic, regional, and global arenas; and status with

the United Nations (consultative, accredited by General Assembly, etc.). In addition, it may be

useful to identify of the type of organization (grassroots, umbrella/ coalition/ caucus;

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[5] For examples of environmental and women's case studies, see Clark 1998 or Giorgetti, Chiara 1999.

[6] Gordenker, Leon and Thomas G. Weiss. *NGOs, the UN, and Global Governance.* Lynne Reinner Publishers,
     London:1996.; Otto, Dianne. "Nongovernmental Organizations in the UN System: The Emerging Role of
     International Civil Society." *Human Rights Quarterly* 18.1 (1996)107-141.

[7] See Welch, Claude. *Protecting Human Rights in Africa: Roles and Strategies of NGOs.* University of
     Pennsylvania Press, Philadelphia :1995.; Keck, Margaret and Kathryn Sikkink. *Activists Beyond Borders:
     Advocacy Networks in International Politics.* Cornell University Press, Ithica NY:1998.
[8] See pages 23, 53, 58

professional/ legal/ judicial; religious, student, other). Lastly, NGOs can be distinguished by the frequency of the kind of activity they undertake. A partial list possible of activities includes: lobby governments, public education/awareness, produce reports, conduct research, monitor human rights conditions, organize programs/ conferences, communicate with other NGOs, brief media, and provide technical support. As the functions and activities of NGOs are explored, it is useful to study the modes in which they interact.

Clearly, the ways in which NGOs affect global and local change are not fully understood at present. NGOs lobby, educate, monitor, and report, to name a few activities. Perhaps most important is their ability to network with each other, thereby creating links across borders to disseminate information and raise awareness about particular issues. Networking among NGOs allows streamlining of effort, increasing amounts of people to become involved, and experts to exchange opinions. This is done through information technology such as listservs and web pages; through conferences and forums; and through more informal linkages. As Gordenker and Weiss point out, "The network is defined by what it does, not by an organizational form, defined structure or material appurtenances. Although network analysis requires the assembly of detailed data and sometimes-lengthy observations, it would seem a most promising technique for analyzing the function of transnational NGOs (1996:35). However, a minute amount of political science literature has treated NGO network activity as an entity in itself, as detailed below.

Research devoted to understanding networking among NGOs is limited in several respects. The parallel forums and conferences that NGOs hold during IGO conferences have been mentioned in some studies.[9] However, analysis is thin and the literature does not explore *how* networking brings about the interaction that takes place at such events. Authors such as Margaret and Kathryn Sikkink have presented the notion of transnational advocacy networks. "Transnational advocacy networks must also be understood as political spaces, in which differently situated actors negotiate- formally or informally- the social, cultural, and political meanings of their joint enterprise" (1998:3). Their examination is based upon case studies of specific groups and provides a useful broad conceptualization of international advocacy linkages.

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[9] "At UN Conference on the Environment in Stockholm in 1972, they invented the device of an NGO conference running parallel to the intergovernmental meeting, which is now a feature of UN conferences on all subjects and often of meetings of treaty organizations as well." (Chayes, 1998, 251). Also see Smith, 1998.and Clark, 1998 for discussion of history and scope of parallel events and conferences; for instance, during Rio, the Beijing Women's Conference, and the WTO ministerial in Seattle.

They do not delve into the dynamics of NGO coalitions, however. Much of the existing analysis of network activity focuses on the use of information technology, rather than the overall NGO-to- NGO interaction. [10] Coalition- building may be seen as a form of networking in which links are somewhat formalized. Burgenthal refers to "informal coalitions that can increase political strength and allow coordination of efforts," but does not develop any criteria to measure or systematically study this phenomena. [11] Hans Peter Schmitz provides a useful case study of NGO network analysis in Kenya. He premises his research with an interdisciplinary discussion of relevant work:

> "In the human rights area, a sizable literature emerged which identified international and domestic human rights groups and their networking activities as an increasingly influential factor for regime change. [12] These actions have hardly immediate material consequences or change institutions overnight. They tell previously untold stories about the social reality and represent attempts to connect what has been separated before. They are forms of social action a conventional political science perspective will tend to ignore, because attention to such connections would question the traditional bias for the study of institutions and boundaries. Challenges to the status quo as the roots for regime change presuppose the emergence of alternative discourses and networks. An explanation of such processes can not limit itself to the analysis of institutional stasis, but must follow those who cross boundaries in their minds and intentional actions (Schmitz 1: 1999).

By examining the NGO Coalition for the International Criminal Court (CICC) as a network in formation, one can add to the existing body of literature and how we understand NGO network behavior by conducting a case study of the NGO Coalition for an International Criminal Court. I have yet to find a current study tracing NGO involvement in the development of international criminal law within the existing literature on NGO activity. The role of NGOs and coalition- building in the development of the ICC has not yet been methodically studied. When this connection has been treated, it is in solely in the context of NGOs role within court

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[10] For further discussion, please refer to Keck and Sikkink 1998:x

[11] See Burgenthal, 1995: Ch. 13

[12] A few relevant citations from Schmitz are: Burgerman, Susan D. 1998. "Mobilizing Principles: The Role of Transnational Activists in Promoting Human Rights Principles." *Human Rights Quarterly* 20 (4):905-923.; Emirbayer, Mustafa and Jeff Goodwin. 1994. "Network Analysis, Culture, and the Problem of Agency. *American Journal of Sociology* 99 (6):1411-54.; Sikkink, Kathryn. 1993. "Human Rights, Principled Issue Networks,and Sovereignty in Latin America." *International Organization* 47 (3):411-441; Price, Richard. 1998. "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines." *International Organization* 52 (3):613-644.

proceedings.[13] As an initial examination of NGO networking, this study will begin to fill this gap by applying the logic of NGO networking to the development of the International Criminal Court. By conducting this case study, I hope to add to our comprehension of NGO network activity and, by extension, world politics and the dynamics of multi- lateralism.

A state- centered view of international relations is clearly inadequate given the proliferation of NGOs and other non- state actors in world politics. However, as stated by Paul Wapner, "The meaning of activist groups in a global context is not settled and will remain problematic as long as the strictly societal dimension of their work is left out of the analysis (1995:2). From this angle, NGOs must be examined not only in terms of how they relate to governments, but also the complexities of their roles among each other, as information disseminators, public educators, spatially dispersed entities, and especially as political actors in themselves. NGOs create and coordinate information, in a sense mediating as filters to states and institutions. I seek to broaden the "unit of analysis" by which NGOs are typically studied within political science by applying a three- tiered model to contemporary NGO coalition-building within the CICC.

In fact, after speaking with several NGO representatives active in the ICC Coalition about this, they commented that academic work is not only welcome but also needed, because they are precluded from reflecting on experiences while busy running organizations and activities. This project aims to provide reflection and analysis in a way that has not been previously attempted, on a case that has not been studied.

Conceptualizing Networks

The term "network" has been used across a range of disciplines and meanings. Definitions vary from extremely broad to the most narrow; as a result, use of the term must be grounded in an explanation of how and why it will be used in a particular contextual frame.

In a consultation I had with Dr. Edward Weisband, Diggs Endowed Chair in the Social Sciences of the Political Science Department at Virginia Tech, he referred to the current discourse on networks as a fragile inquiry with weak existing explanations. He alluded to some of the many ways to view their activity, and suggested thinking about networks as a way of

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[13] Primarily a discussion of the increasing amount of *amicus curiae* provided to international tribunals by NGOs: see Shelton, 1994.

explaining coordination: the lack or strength thereof. This is just one example of the numerous ways in which it is possible to conceptualize NGO networking.

Gordenker and Weiss posit the following: "Networks represent flat or horizontal organizational forms in contrast to vertical ones based on hierarchical authority. Networks, in other words, rest on the coexistence of autonomy and interdependence. Whereas hierarchy is the natural organizing principle of states, and markets are the natural organizing principle of business organizations, networks are readily associated with NGOs" (1996:35). As they hint, networks may in fact be the coordinating spinal arrangement in which NGOs are somehow organized.

In searching for a framework that would allow me to explore the multiple fabrics of networking, I decided to adopt a meaning arranged on a set of binaries: one is a sense of spatial proximity, rooted in place; the other is a notion of spatial dispersion.[14] We begin to wrestle with subtleties of the modern communicational space: somewhere between what is seen and what is imagined. The network can then be investigated through a three- tiered framework to separate out layered aspects of different processes. Traditional, modern, and post- modern understandings of geopolitics allow a conception that reflects historical development but leaves room for the unknown. The approach was posited by Timothy Luke, of the Political Science Department at Virginia Tech, in terms of "three natures," and was further elaborated by Gearóid Ó Tuathail, of Virginia Tech's School of Public and International Affairs.[15] Drawing from theorists such as Marx, Mumford, Lukacs, Baudrillard, and Virilio (Tuathail 1998:26), Luke suggests this as a new way to think about politics. In this conceptualization, the tiers are not mutually exhaustive; the earlier ones continue to exist while the newer postmodern facets sometimes replace but more often augment and pervade previous forms of interaction. I push this theoretical framework in a slightly different direction by applying it to a more condensed realm of exploration, specifically the interaction among NGOs. This approach to understanding networks provides a more useful analytical tool for this project than other methods because it

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[14] This conceptual tool was presented by Dr. Gearóid Ó Tuathail during numerous seminars I attended on international political conflict and geopolitics at Virginia Tech between 1996-8.

[15] For further clarification, please refer to: Luke, Timothy. "Placing Power/ Sitting Space: The Politics of global and local in the New World Order." *Society and Space,* 12:613-628, 1994; Luke, T. New World Order or neo-world orders: Power, politics and ideology in informationalizing glocalities, in M. Featherstone, S. Lash and R. Robertson (eds) *Global Modernities.* London: Sage, 1995. Luke, T. "Idendity, meaning, and

operates on a notion of networking that is continually being created, and permits me to explore how the Coalition organizes and communicates from a multi- dimensional perspective.

Another helpful perspective is that of Manuel Castells, a leading social thinker who authored a three- volume discourse investigating contemporary change in an interdisciplinary perspective. In the first book, *The Network Society* (1997), he explores the "information age" and its implications for global economic, social, and political interrelations. His framework is effective for studying network behavior because it accounts for a historical emergence of trends, a cumulative understanding of development/ change, and a healthy attitude towards the unique nature of those current and future aspects of societal structures that are developing. At the conclusion of *The Network Society,* he defines the concept of network as: "A set of interconnected nodes. A node is the point at which a curve intersects itself. What a node is, concretely speaking, depends on the kind of concrete networks of which we speak. The inclusion/ exclusion in networks, and the architecture of relationships between networks, enacted by light- speed operating information technologies, configure dominant processes and functions in our societies (470)." Although his development on the networking concept focuses mainly in the realm of economic and geopolitical modes of analysis, his definition can provide an interesting and appropriate mode for understanding aspects of international politics.[16]

By conducting a case study on the NGO Coalition for an International Criminal Court, I will demonstrate how a contemporary NGO network was formed and how it operates within the three- tiered framework. This knowledge is worthwhile to understand how international policy and law are formed and why NGO networking is proliferating, particularly regarding international criminal law. The study will add to our understanding of NGO network activity by

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globalization: Detraditionalization in postmodern time- space compression," in P. Heelas, S. Lash and P. Morris (eds) *Detraditionalization.* Oxford: Blackwell.

[16] Castells develops the notion of networks to be applicable to a broad array of subject matter: "They are the stock exchange markets, and their ancillary services centers, in the network of global financial flows. They are national councils of ministers and European Commissioners in the political network that governs the European Union. They are coca fields and poppy fields, clandestine laboratories, secret landing strips, street gangs, and money laundering financial institutions, in the network of drug traffic that penetrates economies, societies, and states throughout the world. They are television systems, entertainment studios computer graphics milieux, news teams, and mobile devices generating, transmitting and receiving signals, in the global network of the new media at the roots of cultural expression and public opinion in the information age. The topology defined by networks determines that the distance (or intensity and frequence of interaction) between two points (or social positions) is shorter (or more frequent, or more intense) if both points are nodes in a network than if they do not belong to the same network. On the other hand, within a given network flows have no distance, or the same distance, between nodes. Thus, distance (physical, social, economic, political, cultural) for a given point or position varies between zero (for any

using a concrete model to demonstrate this shift in political activity. I contend that NGOs in the CICC act as mediating agents between states and institutions. By working through the three tiers of networking, one can better understand how contemporary NGO interaction operates. By adopting an interdisciplinary approach, the project seeks to augment and expand previous theoretical orientations to NGO networking and elucidate a view of its role in world politics.

1.2 Project Methodology

The NGO Coalition for an International Criminal Court (CICC) is the vehicle I use for this crucial case study of NGO influence on states and institutions. The NGO CICC emerged in 1995 during the drafting of the court as about a dozen NGOs gathered to monitor the UN General Assembly debate. In five years, it has grown dramatically to a Coalition consisting of over eight- hundred organizations. In scope and volume, it is immense, well organized, and highly active. By doing a case study on this Coalition, I will be able to examine the role of NGO to NGO networking in the development of international human rights law and trends in broader world politics.

I have been following the development of the ICC since I attended the July 1998 Summer Session of the International Institute of Human Rights in Strasbourg, France. The official CICC website, as well as the major NGOs involved websites, contains a plethora of information such as position papers, links, and reports that I have reviewed. I am a member of the listserv and mailing list, so I receive daily updates and periodic publications pertaining to NGO and ICC activities. I have also reviewed pertinent journal articles and texts I obtained through independent research.

On March 13-14, 2000, I attended the Preparatory Commission for the International Criminal Court at the United Nations as a researcher and intern. I observed two of the CICC Strategy Sessions and two of the UN negotiation sessions, the Elements of Crime and Rules of Procedure. I also conducted two formal interviews, one with Bill Pace, the Convener of the CICC, and the other with Warren Allmand, the President of the International Center for Human Rights and Democratic Development (interview transcripts are available upon request). Both Mr. Pace and Mr. Allmand are experts in international human rights law and have worked for various organizations and on a multitude of issues. For example, Mr. Pace formerly served as a leader in the World Federalist Movement, and Mr. Allmand previously served as the President of

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node in the same network) and infinite (for any point external to the network) (470).

International Parliamentarians for Global Action. Time and resource limitations precluded me from staying for a longer period or conducting more interviews.   However, the two interviews are valuable resources and allowed me to tap into indications of the nature of the CICC through their detailed and discerning responses. They are both exposed to strategical and practical aspects of the CICC daily, and provide useful and cogent insight.

I was able to set the interview times and places up with Mr. Pace and Mr. Allmand while at the United Nations. I conducted the interviews in a fairly formal manner in which I had 5-6 open- ended questions that I had developed earlier when constructing my research question (questions available upon request); however, I let each interviewee's answers guide the order and direction of the discussion. I analyzed the responses by simultaneously developing tables outlining my theoretical conception of networks and shaping notes from the interview transcripts and meeting observations into tables. In this regard, the interviews and observations drove the basis for the *layout* of the analysis, and provide the substance of the inquiry. [17] I present the interview findings in Chapter 3, where through my synopses and direct quotes I describe the Coalition and how it functions as a network. Additional research and materials supplement the responses. However, the choice of theoretical *framework* was carefully selected and developed over the course of my research on these concepts.

Rather than the typical unit of analysis of states often used in International Relations research, I seek to move to a analysis based on observations of the CICC in practice; changing dynamics of interaction. I use the processes of the Coalition- the issues, individuals, organizations, documents, and my observations- to develop speculations regarding the phenomena of NGO networking in world politics.

The time frame of the study began in the summer of 1998 when I began to research these issues, and I have continued to do so over the past two years. The actual project proposal was developed and defended in early spring 2000; the project was completed in July 2000. I decided the case study approach would be the best vehicle to use, since it can provide a concrete, contemporary example through which to explain abstract phenomena. By utilizing a multi-disciplinary and flexible understanding of NGO networking, I seek to broaden our conceptualization of world politics.

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[17] For detailed information on qualitative interview data analysis, please refer to: Iverson, Gudmund. *Contextual Analysis.* Sage Publications, 1991: Newbury Park, CA.

One caveat that merits mention is the implicit assumption that we will gain useful insight solely from the NGO perspective. It would be interesting to seek impressions of the CICC from delegates or UN officials, but in my given time- frame and intern status, this was not tenable. In addition, I do not want to suggest that this form of coalition is somehow the overarching key to understanding contemporary multi- lateralism; nor are NGOs beyond criticism on several levels. For instance, the internal processes inside organizations are susceptible to normal politics and hierarchies; most have limited resources, and efforts are often spread thin across many issues; and there is a heavy reliance on northern/ western NGOs, to name a few issues.

Another qualifier is that I was limited in time, resources, and energy in accomplishing the aims of this project. It is a Masters' Thesis, and to conduct more interviews or cover more material would have been difficult. I am grateful that I was able to study at the Human Rights Institute during the creation of the ICC; that I have had such phenomenal faculty to study under at Virginia Tech; and that I was able to serve as an intern at the UN in New York for the CICC. This project attempts to draw upon and synthesize these experiences among others.

A note regarding author disposition hindering reliability of findings: "I am not, and I do not want to be, a neutral, detached observer of the human drama" (Castells 1998: 359). On this note, I do plan to enter the field of international human rights law, so on this level I have a certain vested interest in this project. Throughout my college and graduate career, I have been an activist and scholar regarding a multitude of issues, across many dimensions of global politics. My work may be guilty of certain biases, in that I believe in the pursuance of human rights, the development of just legal systems, the necessity of a critical view of world political power structures, and the multi- disciplinary nature of social scientific research. In this sense, I am cognizant of my aims and outlook, and alert the reader to this subjectivity. My philosophy coincides with Manuel Castells' summation of his methodology:

> "I have tried my best to accomplish two goals: to ground my analysis in observation, without reducing theorization to commentary; to diversify culturally my sources of observation *and of ideas,* as much as possible. This approach stems from my conviction that we have entered a truly multi- cultural, interdependent world, that can only be understood, and changed, from a pluralist perspective that brings together cultural identity, global networking, and multidimensional politics (1997: 28).

As both a participant and an observer of the CICC, an issue may arise concerning the reliability of my findings. I can not objectively separate the material and phenomena from my

experiences. However, by participating in the processes as an intern and listserv member, I was able to obtain not only information sources but also to gain a sense of the informal power structures in place and discern the internal culture. I have made a significant effort to be conscious of these concerns by noting their effects whenever possible. Overall, the theoretical framework combined with the practical and contemporary case study creates a cogent and sound methodology.

CHAPTER 2: Background: The Journey to an International Criminal Court

The ultimate explanation of the binding force of all law is that man... is constrained, in so far as he is a reasonable being, to believe that order and not chaos is the governing principle of the world in which he has to live. -J.L.Brierly

One may subscribe to a religious code of ethics or simply believe that people are happier during peacetime than war. Regardless from whence one's ideas stem from, legal frameworks, such as the Just War Doctrine in the 15th Century, have provided non- violent mechanisms for conflict resolution across the globe throughout time.

In Rome on July 17 1998, 120 states signed a treaty establishing the first permanent International Criminal Court. Within the current system of world governance, this development is unprecedented. An introduction to the underpinnings of international law is necessary to understand the significance of the International Criminal Court. Perceptions of international law are crucial in determining the role this new institution can play in the global spectrum. The tension between national sovereignty and an emerging global civil society plays out as we define the future. The important intervening variable that has often been undervalued in recent studies of international law is the role of non- governmental organizations. Analysis of the activities and impacts of NGOs will be the primary focus of this case study.

2.1   International Law

The term international law is from the outset dynamic, fluid, and contestable. It is used to describe legally binding treaties as well as general principles about what is considered the norm. "There is no single body able to create laws internationally binding upon everyone, nor a proper system of courts with compulsory jurisdiction to interpret and extend the law" (Shaw 1997: 54). The sheer volume of transnational legal documents is immense. There are over 30,000 formal treaties registered in the UN system (Van Dervort 1998: 77). Placing the phenomenon of global civil society within a sapient framework helps clarify its scope and possibilities.

Origins of laws crossing borders can be traced back to the dawn of recorded history. However, the roots of current structures lie in Western European city- states, empires, and federations. The Roman Empire in particular combined *jus naturale* and *jus gentium*, or natural law versus that of peoples. The former is that sense of conduct presumably inherent in our

nature, discoverable by reason (Van Dervort 1998). The latter is based upon norms or concepts common to various groups of people: law derived through practice and norms.

Currently, the world is organized into nation- states: political units that have a defined territory, population, sovereignty, and international recognition.[18] This system emerged over the past few centuries out of the commercial, political, and social development of European interrelations.[19] Though states are considered "sovereign", they interact in numerous spheres, such as economics (trade, financial flows), political alliance or dissent, environmental management, or social and cultural linkages.[20] As opportunities for institutional development proliferate, the field of international law increases in scope and possibility for cohesive collective action. Whether referring to binding treaties or general customs, the range of transnational legality is growing exponentially. Growing areas such as global telecommunications, accessibility of foreign travel, post- Fordist modes of production, and migratory patterns expand the need for cross- border regulatory structures.

Scope and Sources

The scope of international law widens as its venues increase. Jeremy Bentham first used the term in 1789, limiting it to transactions between sovereigns (Van Dervort 1998). Now, the domain has grown to include multiple sources of transnational legality. One source of international law is bilateral and multilateral negotiation (such as US- Mexico relations, Rio

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[18] For a discussion of why this system of sovereign territorial states replaced their contemporary rivals at the end of the feudal era, please read: Spruyt, Hendrik. "Institutional selection in international relations: state anarchy as order." *International Organization* 48, 4; Autumn 1994, pp.527-57.

[19] Nationalism is now a primary source of individual identity and allegiance. However, few if any true "nation-states" actually exist; it is said that perhaps Iceland is the only country in which the ethnic identity of its people coincide perfectly with its borders and political affiliations. Devastating wars have been fought, particularly during this century, under the guise of nationalism and right to self-determination. In much of the world, borders or leaders are in place that dislocate groups of people who wish to express their culture and/ or autonomy as an independent state or part of another. For example, the Palestinians in Israel, the Albanians in Kosovo, Quebecois in Canada, Tibetans in China, northern Italians in Italy. In addition, states exist that claim territory exists outside their borders which belongs to them, such as North Korea towards the entire peninsula, Russia's view of Chechnya during the early nineties, Pakistan with Kashmir, or China's view of Taiwan. Accordingly, relationships among nation- states comprise complex patterns of interactions.

[20] J. Samuel Barkin and Bruce Cronin provide a discussion of sovereignty in "The state and the nation: changing norms and the rules of sovereignty in international relations." *International Organization* 48, 1, Winter 1994, pp. 107-30. They question the use of the state as the basic unit of analysis, and suggest that sovereignty is inter-subjective and evolving. For a discussion of sovereignty as it relates to norms, human rights, and the "new world order," please see Weiss, Thomas and Jarat Chopra. "Sovereignty under Siege:

Earth Summit). Another is domestic policy towards other states (for example, most- favored nation trading status). Inter- governmental organizations (eg. aerial, postal, communications networks), also provide forum for international interaction. Regional blocs, both political and economic, also coordinate states' actions in regards to global legal activity. The EU, OAS, OAU, Arab League, OPEC, NAFTA, ASEAN are a few of the most developed regional blocs. Strategic alliances and organizations such as NATO or the OSCE play a large part in international security regulation, while commercial and trade associations (eg. EX-IM, OPIC, ADB) moderate business transactions. Financial institutions (such as the WTO, IMF, and World Bank) participate in the creation of international law making and implementation. Treaties and other legal documents signed voluntarily among states through the UN system (such as environmental protocols, human rights conventions, the UN charter, the Law of the Sea, extradition law) are a major source of international law.

These transactions are often divided into three categories of dispute settlement within the current world order. Private international law is outlined as conflict of laws interpreted by municipal courts and applied to individual parties on a case-by-case basis. Public international law is deemed to be the branch regulating sovereign nation- states and their formal agreements. Its primary sources are outlined in the Statute of the International Court of Justice in Article 38(1).[21] Third is the UN Security Council, which alone reserves the right to impose internationally backed sanctions or the use of force.[22] There are several theories that frame conceptions and approaches towards international law.[23]

From intervention to humanitarian space." in Chapter Five of Gene M. Lyons and Michael Mastanduno (eds) 1995. *Beyond Westphalia?* Baltimore, Johns Hopkins University Press.

[21] *1. International Conventions, whether general or particular, establishing rules expressly recognized by the contesting states (though not a clear hierarchy above other sources)*
  2. International Custom, as evidence of a general practice accepted as law (regarded as binding)
  3. The general principles of law recognized by civilized nations (natural law as essential)

[22] The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security (UN Charter, Article 39).

[23] The Grotian school of thought regarding international law recognized the law of reason (natural) and the law of consent (positivist: based on historical precedent) as equally important sources or causes of law development (Van Dervort 1998). This legacy has led to the current trend within the field, the tendency to lean towards either a realist perspective or a transnational one. Realism is a major theory of international relations. It dates back to the ancient Greeks, was articulated by Machiavelli, and is continually contested in contemporary literature. It adopts a pessimistic, self – interested view of states as actors within an anarchical international system. By focusing on conflict, it conceptualizes national objective as a struggle for increased power and security played out by rational actors (Genest 1996). Transnationalism, on the

Historical Contexts

To understand current societal implications of NGO networking in world politics, it is essential to develop a historical context in which to frame these contemporary phenomena. The normative value of human rights is continually redefined. Human rights are vague, broad concepts that can cut across various issues in numerous ways. The primary basis for legal standing of human rights in contemporary international law, however, has emerged largely from the Western countries. In medieval Europe, identity and rights of personhood were determined though status and birthright. Current legal justification of individual liberty gained credence upon the emergence of the United States and the ideals on which the French Revolution was based. The claim that people are born equal and deserve basic sustenance and freedom has become widely accepted as a norm in Western culture over the course of this century. The legal development of human rights has grown immensely over the past fifty years, often as a reaction to events that create a desire to prevent future repetition.

This mental legacy of WWII issued forth during post- war reconstruction as world powers designed new forms of political organization and conflict resolution. Almost every state in existence in 1945 signed the United Nations Charter, establishing a permanent organization patterned after the ideas in the failed League of Nations. The Nuremberg and Tokyo trials set a precedent through the prosecution of war criminals by the victors. In 1948 the Universal Declaration of Human Rights was adopted, establishing a normative framework. The Geneva Convention in 1949 outlined humanitarian law: the rules of treatment of combatants and prisoners of war as well as the protection of civilians during wartime. A desire for minimal universal standards of human rights and peaceful conflict resolution mechanisms motivated the initiatives for new transnational legal structures.

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other hand, broadens the spectrum of actors from the outset by including states, multi- national corporations, and other international institutions. It actively promotes prosperity and stability through coordination. Transnationalist theory is optimistic that the chaotic international system can be assuaged through international organizations, international law, collective security, regimes, economic interdependence, and harmony of interests (Genest 1996). A realist is more likely to value the preservation of national sovereignty than to experiment with idealistic experiments that have no enforcement mechanism or guarantee. A transnationalist b believes in the exhaustion of legal remedy and resolution before reverting to brute force. Inevitably, a tension arises between balancing the legitimate concerns of state sovereignty with global obligation and accountability (Pisik 1998). These various views of the international system and law affect its developments and delays on every level of analysis: individual, state, and system.

During the Cold War foreign policy was more focused on national security and deterrence. Though the impetus towards legal justification of human rights somewhat stagnated during the latter half of the century, several milestones were attained. For instance, the International Covenants on Economic, Social, and Cultural Rights and Civil and Political Rights entered into force during 1976. In addition, the Protocol to the Geneva Convention was added in 1977.

Post Cold- War politics are more enigmatic. The bipolar dynamic between the US and Russian axis had provided a defined enemy and therefore a basis for policy- making. Today, there is no obvious order, and a plethora of subject matters confound students of international relations. Issues such as financial regulation, regional blocs, terrorism, and internal conflict all concern development of international law. Many scholars advocate the hope that international institutions may enhance accountability and standards in different realms of global cooperation.

Human rights are increasingly becoming accepted not only as a valid concern but also as an obligatory realm of action. Legal frameworks offer specific ways to punish and possibly deter the people who commit these crimes. Institutional developments have taken place on the global, regional, domestic, and local levels. Major international criminal justice instruments are the International Court of Justice (The Hague); regional mechanisms (the European Court of Human Rights, the Inter- American Court of Human Rights, the African System of Human and People's Rights); domestic remedies (federal and municipal court systems); the rise of NGO and IGO activity (Amnesty International, Human Rights Watch, International Red Cross Committee, etc.); the International Law Commission (researches and drafts initiatives); and the ad- hoc war crimes tribunals (ICTY/ ICTR).

Each of these instruments has a different role and varied degree of influence. Additionally, the United States merits study as it is in a unique position in world affairs as the single superpower.[24] International human rights law is being perpetually pioneered both in conceptualization and practical components.

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[24] It continues as the only superpower in the world both economically and politically, though the degree to which this is agreed upon is decreasing. Ergo, the US continues to play a crucial role in world affairs. Support from the States means political leeway, potential for funding, international coverage. Concerning human rights and international criminal justice, the US has been the leader of countless initiatives. Woodrow Wilson engineered the League of Nations; after WWII, Franklin and Eleanor Roosevelt helped pioneer the Universal Declaration of Human Rights. During the nineties, the US has been a strong supporter of the criminal tribunals for Bosnia and Rwanda both in political and pecuniary support. However, it has failed to follow through on many of the agendas it supports in ideology. For example, the

2.2   Brief History of the International Criminal Court

The development of the International Criminal Court is a compelling, current and controversial topic. The legacy of the Holocaust and the continued atrocities committed around the globe continue to place legal protection from systematic abuse on the radar screen of human rights law. Mechanisms have been actualized to enact types of international criminal law tribunals first in Nuremberg and Tokyo in 1945, during the 1990's in the ad- hoc tribunals for ex-Yugoslavia and Rwanda (begun in 1993-4), and most recently in Guatemala's Commission for Historical Clarification (begun in1994) and the Truth and Reconciliation Committee in South Africa (begun in 1995). Yet, these have all been created on a case- specific basis. Although they set precedents for future handling of atrocities, they do not provide a secure system of protection against human rights abuses.

A permanent ICC has the capacity to provide safeguards for countless people both directly and indirectly. By its existence, it may deter future criminals from engineering genocide. Additionally, an independent prosecutor will allow prosecution of intra- state crimes. Bringing criminals to trial may legitimize the notion that gross human rights violations are unacceptable to the international community. The degree to which the ICC will be successful both as an institution and a catalyst for change hinges largely on the influence of specific actors. It does have the backing of the vast majority of the world's governments and an 800-organization strong NGO Coalition. Currently, there are 97 signatories and 12 ratifications (Senegal, Trinidad & Tobago, San Marino, Italy, Fiji, Ghana, Norway, Belize, Tajikistan, Iceland, Venezuela and France). There were twenty- one abstentions and seven non – signatories (the US, China, Iraq, Libya, Qatar, Yemen, and Israel). The court will sit in the Hague, Netherlands. It will enter into force when sixty countries have signed and ratified it.

The drafting of the treaty was done in conjunction with the International Law Commission, drawing from current existing documents such as the UN Charter, the Geneva Conventions, the International Court of Justice Statute, and the International Criminal Tribunals for Rwanda and Bosnia. The prosecutable crimes under the ICC are as the crime of genocide,

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US has not signed ICESC, CEDAW, CRC, and ACHR. Only in the past ten years did it ratify the Genocide Convention, ICCPR, CERD, and the Convention Against Torture. US foreign policy is ridden with these type of contradictions.

crimes against humanity, war crimes, and the crime of aggression.[25] Securing jurisdiction over these crimes was often contentious and involved a certain amount of compromise from all parties. Within the marathon negotiations, various blocks collaborated to make their positions more influential: for example, the US, the EU, the Arab states, the African countries, the Security Council, and the NGO Coalition. "While the Rome Statute does not meet all of the individual demands voiced by the NGOs throughout the years of negotiations, the Rome conference produced a Statute which is stronger than NGOs and progressive governments had realistically hoped for, and also a powerful and quiet reflection of the growth of international democracy and the rule of law in international affairs" (Pace and Theiroff 1998:3).

This treaty is unprecedented in the development of international criminal legal justice for several reasons. Major points are described below:

- *No reservations:* countries can not join and decide which parts they will and will not accept (this keeps the original treaty strong when it does enter into force)

- *Independent Prosecutor:* previously only states could bring cases to trial (this is a major development, since persecuted individuals will now have an external venue: see earlier discussion of internal crimes)

- *Universal Jurisdiction*: cases may be tried if either the perpetrator's country or the country where the crime took place is party to the ICC

- *Complementarity Principle:* deferral to national jurisdiction if deemed appropriate (this is set up to complement national courts, rather than replace them; in effect, the ICC would only come into play if the national government was unable or unwilling to prosecute)

- *Sentences to Life in Prison* as the highest penalty (no death penalty)

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[25] 1. The Crime of Genocide: Acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group; by killing, causing serious bodily or mental harm, inflicting derogatory conditions of life, imposing measures intended to prevent birth within the group; forcibly transferring children to another group
2. Crimes Against Humanity: Acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack; these acts include but are not limited to: murder, extermination, enslavement, deportation or forcible transference, imprisonment, torture, rape, forced pregnancy, enforced sterilization, group persecution, enforced disappearance, apartheid
3. War Crimes: Acts committed as a part or policy or of a large- scale commission of such crime; those acts against persons or property protected under the provisions of the relevant Geneva Convention and other serious violations of the laws and customs applicable in international armed conflict
4. The Crime of Aggression: Elements of crime adopted by a 2/3 majority of the members of the ICC Assembly; Amendments may be proposed by state parties, judges acting by an absolute majority; the Prosecutor   (see UN: Part 2, Article 5)

- *A seven- year opt out clause for war crimes*: state parties may delay commitment to this jurisdictional framework until the clause expires (this was something the US pushed: currently France has chosen to invoke this clause)

- Significant advancement of guarantees for justice, protection, and *rights for women and children, and victims.*

These are several of the key achievements of the treaty that were agreed on in Rome. The Preparatory Commissions are furthering the process of making this a reality by drafting and defining the specific elements. The treaty is an achievement but also a challenge for supporters to proceed to the implementation process. The focus of this project is the NGO Coalition, which has been an integral part of the ICC's establishment and continues to participate in all aspect of development. The degree to which the newly established International Criminal Court will be successful both as an institution and a catalyst for change hinges largely on the strength actors which influence it, and in turn the views adopted by those actors. The will to promote international cooperation on the issue, the actual commitment to provide effort and funding, the underlying historical perceptions, the continuation of atrocities worldwide, all shape the development of the ICC. This project hones in on the networking functions of the NGOs amongst themselves and with other key actors to demonstrate how this aspect of the ICC process is unfolding.

2.3 CICC Description: Organizational Purpose and Logistics

The main purpose of the NGO CICC is to advocate for the creation of an effective and just International Criminal Court. It is a broad- based network of NGOs and international legal experts who develop strategies on relevant substantive legal and political issues. A key goal is to foster awareness and support among a wide range of civil society organizations: human rights, international law, judicial, humanitarian, religious, peace, women's, and parliamentarian, among others.

The informal Steering Committee is comprised of fourteen NGOs, such as Human Rights Watch and Amnesty International.[26] The Steering Committee is not a formal entity, but rather an

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[26] Amnesty International, Human Rights Watch, World Federalist Movement, Lawyers Committee for Human Rights, International Commission of Jurists, National Association for Public Interest Lawyers, Women's Caucus for Gender Justice, World Order Models Project, No Peace Without Justice, Asociacion Pro Derechos Humanos, European Law Students Association, International Centre for Human Rights and Democratic Development,

informal leadership group that helps coordinate CICC activity through soft power and credible information. They are all well- known and established NGOs; many operate on a global scale and are active on a multitude of issues. Some function as umbrella organizations and represent hundreds of smaller NGOs, such as the Women's Caucus for Gender Justice. The steering committee includes those NGOs that do the bulk of the ICC issue organizing and work; the majority of NGOs listed in the Coalition are more of local affiliations than primary actors.

The CICC has four stated goals. First, to promote education and awareness of the ICC at the national, regional, and global levels. Second, to facilitate the effective participation of global civil society and NGOs in the meetings of the PrepComs and at stages at international/ national levels. Third, to expand and strengthen the global network of organizations working on the ICC. Lastly, to promote universal acceptance and ratification of the Rome Statute, including the adoption of comprehensive national implementing legislation. (CICC Newsletter #4, March 2000)

The primary activities of the CICC are the following. First, to convene the Coalition and its working groups and to maintain the internet page, international computer conferences, and email lists to facilitate the exchange of NGO and expert documentation and information. Secondly, it fosters discussion/ debate about substantive issues arising from ICC process, facilitates meetings between the Coalition and government representatives, UN officials, etc. Also, it promotes education and awareness of ICC proposals and negotiations at relevant public and professional conferences, including UN conferences, committee, commission, and preparatory meetings. Lastly, the CICC produces newsletters, media advisories, reviews and papers on the developments and negotiations (from CICC Monitor 13).

The CICC actively participates in the ICC Preparatory Commission (PrepCom) sessions. PrepComs are a mechanism used in various UN treaty processes, such as the Beijing Women's Summit. The ICC PrepComs were mandated in the Rome Treaty (in Resolution F of the Final Act) to make practical arrangements for the functioning of the court. Basically, their function is to facilitate the drafting of texts on the Elements of Crimes and Rules of Procedure and Evidence. All states invited to the Rome Conference are welcome (including non- signatories, such as the US) as well as observers from relevant NGOs, IGOs, and international bodies, such

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Parliamentarians for Global Action, Union Interafricaine pour les Droits de l'Homme, and Federation Internationale des Ligues des Droits de l'Homme.

as the ICTY and ICTR. This is being done over a progression of six three- week sessions at the UN in New York, four of which have already occurred. The last session was March 13-31, 2000 (CICC Newsletter #4).

To join the Coalition, an NGO must endorse the CICC principles, wish to be involved at some level with the establishment of the ICC, and make an active commitment to early entry- into- force of the Rome Treaty (CICC Monitor 13). Current funding for the work of the Coalition has been received from NGOs, private organizations, governments, regional organizations, and individuals.[27] This amalgamation of funding sources exhibits the varied nature of NGO coalition- building as compared to a single government or organization. A partial list of the national/ regional groups that connect the CICC is below.[28] They help in particular with promoting awareness of the ICC Statute and working on domestic legislation and constitutional amendment at the national level (CICC Monitor 13). The Monitor publishes regional updates with the recent activities, goals, and contact information.

The CICC was created in 1995 as an effort to brainstorm about how to participate in the General Assembly discussion. After a one- day meeting of about twenty- six groups, the Coalition was born. Since the World Federalist Movement (WFM) is located in the United Nations plaza and they had been working on the issue, Bill Pace of WFM was asked to be the Convener. It has grown from twenty some groups to over 800 in the past five years. This is an unprecedented coalition in the human rights field; the environmental movement may have as many groups allied via EarthAction, a coalition now well over 700 (Gordenker and Weiss 1996:23), but this is the first time in the human rights arena that so many groups have been allied together. Some of the NGOs counted in the 800- plus list are umbrella organizations for many more NGOs: for example, the Women's Caucus for Gender Justice is comprised of a few hundred organizations. Therefore, it is problematic to gauge exactly who and how many NGOs are a part of the CICC.

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[27] Specifically,The Ford Foundation; the John D. and Catherine T. MacArthur Foundation; the governments of Canada, Germany, Liechtenstein, the Netherlands, Norway,Sweden, Switzerland, and the United Kingdom; and from individual donors and participating NGOs. Long-term and/or previous funding has been received from the European Union, Denmark, Finland, Italy, the Open Society Institute, the Paul and Daisy Soros Foundation, and others (CICC Update 7th Ed.).

[28] Regional Networks: UK Coalition, German Committee, Canadian Network, US NGOs, Latin American Networks

At the Plenipotentiary in Rome, July 1998, Bill Pace, Convener of the Coalition, estimated that there were between 400-500 NGO representatives present. The Coalition doesn't legally exist, however. It is operational upon certain adopted general principles, according to Mr. Pace. The first one adopted was a fair and effective court. Secondly, support for the ICTY and ICTR are also included, as their failure would completely undermine a permanent court's legitimacy. Third is support for the Rome Statute as it stands. 98-99% of the NGOs present were able to support the Statute as it emerged from the Plenipotentiary, which is highly uncommon. Albeit there are desired improvements, but a general consensus was reached that opening the treaty would only serve to weaken it; the treaty that emerged from Rome was indeed stronger than most had expected. A fourth principle is early entry- into- force via strong national implementing legislation and ratification (Bill Pace 2000:4). In a sense, the Coalition functions under informal and customary norms, rather than upon specified premises. An emergent global civil society is better understood in this way than in categorized, codified rules. These are the basic operating provisos of the Coalition; now the project moves to *how* it functions.

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and Initiative Groups, Portuguese Coalition, Spanish Platform, French Coalition, Belgium Platform, Vienna Platform, Polish and Central/ Eastern European Network, Arab Coalition, Russian Coalition, Bangladeshi Coalition and Asian CICC Network

CHAPTER 3: The Coalition for an ICC

3.1   Conceptions of Network: The Three- Tiered Approach

Modeling social behavior helps to organize information to provide structure and lend analytical coherence. It can unfold layers of information in new ways, and make original connections. The Coalition for an International Criminal Court will be illustrated through a three- tiered network arrangement stemming from the geopolitical conceptualization outlined by Timothy Luke. As clarified by G. Tuathail, he outlines a suggestive three- stage narrative for conceptualizing the shifting relationship between humans and nature, and the transformative environments and orders of time- space these generate (1998:26 Ch.1). This focus of this narrative is then modified to navigate the relationships among NGOs and how they interact with states and institutions. It is then applied to the case study, the CICC. The following table begins to separate out the theoretical differences among the three tiers:

Table 1: Three Tiers of Networking

Traditional	**Modern**	**Postmodern**
Humans/nature	Inside/ outside	Global webs/information
Absence of mediation	States/ leaders	Networks/ coalitions
Face-to face	Domestic/ international	Quickening of flows
Spatial proximity	Human/ Machine creations mediate	Familiar structures buckle
Elites dominate	Hierarchical/ assigned roles	Spatial dispersion
Informal power structure	Defined/ limited relationships	Issue- based convergence
	Chains of command	Tandem activity, ad-hoc
	Vertical	Horizontal

partial excerpts taken from Tuathail 1998:28 Ch.1

In the first tier, which I will define as the traditional, spatial proximity and elite govern power structures. Informal aspects of the network pervade linkages among people, organizations, and ultimately, policy implications. The CICC displays several elements of the traditional form, as detailed in the first section. Luke begins with first nature, an order of time-space where the relationship between humans and nature is largely unmediated by complex technical systems (Tuathail 1998:26 Ch.1). For the purposes of this case study, this tier is utilized to explore the informal aspects of the interaction among individuals and organizations of the CICC that one can not read about in a textbook. It taps into the local and regional power structures that exist, and asks why they perpetuate.

I define the second tier as the modern, in which aspects of the network involve hierarchical systems with assigned roles and chains of command. As applied to the CICC, it has defined and limited relationships with the United Nations and individual governments, in which it must lobby sometimes as an outsider. As described by G. Tuathail (1998):

> "The second nature is described as the artificial technosphere manufactured and built by modern industrial capitalism from the 18th Century onwards. Its spatial orderings are engineered, its lifeworld… created by humans and mechanical machines, its landscapes those of cities and states, its identities those of nations, peoples, and ethnicities. This, in sum, is the classic era of modern territorial geopolitics, of competition between the distinct, bounded spatial entities for the domination of lands, oceans, and resources of the Earth" (26 Ch.1).

For the purposes of this project, I focus less on the mechanical aspects that mediate and more on the human/ institutional relationships that exist. This tier is used to delve into the hierarchical relationships that exist and articulate their limited and vertical nature. The CICC is participatory within the United Nations system and works continually with governments; this project assesses how and to what degree the CICC functions with these bodies.

The third tier of network utilized is the postmodern, the realm of spatial dispersion and mediation by information technology. "The third is Luke's elucidation of a distinct realm of third nature, where spatial orderings are generated by cybernetic systems. This is the domain of the informational cybersphere… of postmodern informational capitalism. The forms and structures of [modernity] begin to buckle and disintegrate under the impact of… globalizing infostructures. Groups of people begin to join global webs, while the quickening space of flows erodes traditional divisions between the local, national, and global, creating a scalar dynamic of 'neo-world orders' composed of rearranged glocal space" (Luke 1995). The CICC is in effect a convergence around a specific issue and function rather than for institutional or organizational purposes. The post- modern aspects are revealed in its tandem nature, horizontal relationships, and coalescing character. The use of information technology enables the CICC to create a broad-based, far reaching coalition. In turn, this lends to an untraditional sort of political cohesion: piecemeal efforts of individual, organizations, and other coalitions in pursuit of specific policy impacts. The methods in which these activities take place merit examination. In effect, the postmodern tier helps one to better understand both the broader global webs and the emergent "networking from below" in which relationships become less hierarchical and more dispersed.

The three tiers are used to clarify, unfold, and explain. It is not meant to box each concept and event into neat categories; it is intended to communicate the complexity of interaction at every level of these processes. Nor is it limitless: "Luke's schema can be accused of being too sweeping, abstract and intellectually isomorphic, an academic exercise with questionable relevance to the 'real' not 'hyper-real' dilemmas and dramas of world politics today" (Tuathail 1998:27 Ch.1). I seek to align my analysis of the CICC network along this three- stage narrative in order to apply Luke's logic to a current and cogent "real" case of world politics. I will do so by modifying the three tiers to apply to different aspects of NGO networking, in part by utilizing Manuel Castells' conception of networks. This model will be used as an explanatory tool for how NGOs control information and mediate between states and institutions.

The Coalition is then, a type of network, and the nodes are the individuals, NGOs, regions, conferences, listservs, and other points of intersection. Table 2 attempts to highlight the ways in which the CICC illustrates the three tiers of networking.

Table 2: CICC Aspects of Networking

Traditional	Modern	Postmodern
• Place	• Defined/ heirarchical	• Spatial Dispersion/
-New York	• Relationship with	Porous Nature
• Practice	Institutions	-Issue- based Convergence
-Physical, Face- to face	-United Nations	• Information Technology
-Informal congeniality	• Relationship with	-Computers, Internet
• North/Western bias	States	-Telecommunications
-Elite hierarchy	-United States	• Global Civil Society
-Money/ Proximity	-Canada	• Like- Minded Countries

This framework or "schematic theorization" provides a useful tool for understanding the CICC and broader change of network activity in a growing civil society. It is "useful in clarifying immanent tendencies in contemporary affairs (Tuathail 1998:27 Ch.1). It can be thought of as a point of departure that allows us to deepen our glimpse of world politics. From the outset, these groupings are not mutually exhaustive or comprehensive. They work in and out of each other and are merely tools for understanding how networking aids communication for efficiency. The following sections will detail the way in which the case study applies to the model by developing each of the three tiers in light of the CICC's development and functions.

3.2 The Traditional

The CICC reveals several aspects of networking that can be explained best in the traditional tier. I divide up these aspects into two sections: spatial proximity and the Northern/ Western NGO advantage. Spatial proximity explicates issues such as the physical location of activity, as well as the informal congeniality that occurs as a result. I discuss the Northern/ Western bias in terms of how and why it exists and what the CICC is doing to counter it.

Spatial Proximity

During the two CICC strategy sessions I observed, there was strength in the informal, congenial atmosphere. Nearly everyone had met before and worked together on this issue or others, and approached new individuals quickly in a welcoming manner. For instance, upon entering the meeting, I was introduced to the group as an intern and graduate student researching the CICC. Directly after the meeting, I was approached by several individuals willing to offer assistance or put me in contact with other NGO members. This aspect of the coalition is positive because trust and familiarity are built up among the NGO legal community, which makes division of labor and transfer of information easier because people are more comfortable approaching each other. Planning issues are often contentious and complicated, but the friendly atmosphere allowed problems to be addressed in a light albeit forthright manner.

For example, there was a discussion regarding whether or not to hold a working session on the day off: those from out of town voiced a desire to put in a full week and take advantage of the conference; others needed the time for work reasons or otherwise. They agreed to meet optionally during the morning: this was an instance of brewing tensions solved by compromise as a result of the informal atmosphere. It also highlighted the importance of place/ space networking, because those from farther away were adamant about being productive during their time in New York.

The CICC is a traditional network in the sense that the group in New York City has an automatic advantage over those who are not there. Informal networking was continually going on inside the UN halls between meetings at the PrepCom session I attended; in fact, it was verbally encouraged to talk to delegates to find out where each country stood in the process. For instance, the NGOs were interested in finding out whether or not they were considering signing, what steps were being taken, or if they had run into constitutional issues that conflicted with the ICC Statute. At some points during the day, it seemed that there was more going on in the

hallways than in the actual negotiations. Face- to- face interaction was clearly important in the day- to- day progress of the Coalition's goals. Reputation of countries, organizations and individuals played a role in who was chosen for certain tasks or advice. Warren Allmand, President of the International Center for Human Rights and Democratic Development, commented on this aspect of the CICC during our interview:

> "I think it's working well; the problem [is that] a number of them have offices in New York. Sometimes they have a tendency to run it themselves; so let's keep reminding them that there are a lot of NGOs that are in South America [or elsewhere] and we want to be involved. But I think that's generally been taken care of; and I don't think they ever deliberately tried to leave us out; but since they saw each other all the time, they make decisions. Now I feel communication is good between us; still it is difficult when you're in different parts of the world."(Allmand 2000:1)

He leads us to think about a second aspect of the influence of spatial proximity that affects the network: the prominence of NGOs from Northern and Western countries.

Northern/ Western NGO Advantage

Another aspect of traditional network power is the heightened role of Northern/ Western NGOs, primarily from the US, Canada, and Western Europe. By numbers alone, the Coalition is comprised of a truly global patchwork: for example, there are as many Latin American and African NGOs on the list as American or European (though the Middle East and parts of Asia are at present underrepresented). There are a few hundred Latin American, African, and Western NGOs; those from Africa and Asia approximate several dozen. This issue is not contingent so much upon the number of NGOs but the roles played and amount of activism of various NGOs within the Coalition. The Northern and Western NGOs tend to have more financial resources and be closer to locations of conferences, such as New York and Geneva. It is costly to send delegates to some of the most expensive cities in the world, and conferences often last up to three weeks, such as the PrepComs. Does this penalize other NGOs unfairly? To foster a strong International Criminal Court, will their local expertise be essential in building national ratification strategies and implementation programs?

As stated by Warren Allmand, this is not particularly a function of preference or prejudice, but more so because of a lack of funding, cohesion, and proximity. Many are younger and therefore have not had the chance to develop strong relationships and links with large human

rights NGOs such as Amnesty International. The Coalition is actively trying to improve relations and participation of non- Western NGOs. During one strategy session I attended, a woman gave a report detailing her recent trip through several countries in South and Central America, where she met with government and NGO representatives to discuss developments and ways to increase regional cohesion. The regional networks, discussed in the postmodern section, are additional mechanisms aiding in this process.

I asked Warren Allmand if he thought Western NGOs have been the primary driving force behind the Coalition, and how that affects the process.   His (annotated) response is as follows:

> "They have been, too much. The others don't have much money and they're not in New York- even the ones here don't have all that much. It is more difficult for the ones in Africa and Asia to participate. There are NGOs that would be very interested. They aren't feeling left out, they just aren't able too. They'd like to; they're invited, I think, but they just don't have the [resources]." (5)

In addition, to address this disparity several NGOs affiliated with the CICC are designing technical assistance programs to empower developing country governments and NGOs with the tools to pursue ratification and implementation. The Centre for International Human Rights and Democratic Development is currently working on one specifically for Caribbean and African countries, that will later be useful in other regions to educate about the ICC and train interested organizations.[29] Amnesty International has created a kit for ratification procedures concerning constitutional issues. It includes information regarding preparation, lobbying, campaigning, constitutional issues, and model documents for several possible situations (Amnesty International 2000).

Overall, this tier helps to explain the continuing importance of face- to- face interaction, even in a world of technology and speed. On this level in which there is an "absence of

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[29] Warren Allmand's discussion of this program: "We have a project at our Centre… doing technical assistance for implementation/ ratification for small, anglophone and francophone African and Caribbean countries, preparing a manual. We'll be going to Africa holding 5-6 [regional] training sessions with government and NGO's; the Caribbean is harder, because the organizations are even smaller. We'll be going there rather than bringing them; we got funding from the Canadian government to do that. It'll be in English and French. But there's already been a request to use it in the South Pacific; and French Samoa, so we will be preparing. The manual's got to go in the 2nd phase, training sessions. We'll do it in conjunction with other conferences."

mediation," informal structures and relationships exist that are not evident on paper. Next we move to the modern, in which power structures and hierarchies are accentuated.

3.3   The Modern

As explained by Gearóid ÓTuathail, the modern tier is one in which "objective seeing of the world as a homogenized whole led to its differentiation by Europeans into a horizontal hierarchy of places… state—centered representation of global space. The hierarchical organizations of global space into essentialist blocs are dependent upon the deep logocentrism of the Western tradition, which has sought to discipline contingency by appeal to the underlying truths of science, history, and nature (1998:22).

The modern dimensions of the CICC play out in the respective roles with the United Nations and member states. I first discuss the relationship the CICC has with the UN, and then consider its relations with two states: the United States and Canada. I chose these two examples because they were mentioned in the interviews I conducted as countries that both play a serious role in the development of the Court. The US can be viewed as a "dissenter," in that it has not signed the treaty and offers quite a bit of opposition. Canada, on the other hand, is one of the more active and progressive countries in this process.

In these sections, the nature of limited relationships, hierarchical structure, and vertical chains of command are revealed. The CICC has in some ways been assigned a role in this process, and it can often be defined in an "inside/outside" frame in terms of access to entry and privileges. These relationships are positive on the whole, yet room for improvement remains.

Relationship to the United Nations

Overall, the relationship with the United Nations has been strong. The entire process has been able to be concluded inside the UN system, in contrast to the land- mines campaign which moved outside of the formal forum out of frustration with the UN system. At least 400 NGO representatives attended the Rome Conference, and NGOs have a permanent presence at the PrepComs. The CICC has its own room for the duration of the three- week conferences just down the hall from the negotiations. NGO members take notes at the working group sessions and monitor all aspects of the proceedings. For instance, they record which countries take certain positions on various issues, and which delegates seem supportive/unfavorable towards the

ICC. The NGO section in the large negotiation room is situated along the edges in the back, and NGO members can frequently come and go without causing undue disturbance. They do not have the right to speak, interject, or distribute papers.

The role of NGOs is increasingly being redefined in international politics and law-making, and the UN is one of the primary foci for these changes. Since the UN is a state- based organization, NGO status within it is tenuous and unclear from the outset. A major jump-start occurred in1993 at the Conference in Vienna, Austria, where NGOs held a parallel conference and even hosted the Dalai Lama at an event separate from the UN activities. Similarly, a few years later the land- mines momentum spearheaded by Canada increased the exposure of NGOs' capability to influence outcomes at the international level, even when against realist odds of cost-benefit predictions. In this case, the NGO community was not happy with the level of participation within the UN system and lobbied externally quite extensively.

NGOs in a sense do function as international lobbyists, though the approach and degree varies across venues. For instance, NGOs at ECOSOC events have considerable rights within the UN setting; for instance, NGO representatives there can present a briefing at the end of the day in response to the proceedings and distribute documents on UN letterhead. However, the ICC process is under the General Assembly and the same rules do not apply.[30] The CICC has achieved a substantial degree of participation at the Preparatory Commission sessions at the UN, though it is very much still a hierarchical relationship with specifically assigned roles between the CICC itself and the UN.[31]

These relationships are not all delineated on paper, but sometimes tested out during the process, tested, guarded, and observed. For example, during the strategy sessions, the NGO leaders warned the group to be cognizant of their positions in a few ways. For instance, we were advised not to procure documents from the UN window (inside the negotiation hall) which provides the requested pertinent documents daily in numerous languages. I was able to obtain the

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[30]Warren Allmand: "Some organizations don't have formal recognition for NGOs as much as they do for others. Here [at the ICC PrepCom] we can go into the meetings, we get documentation, they give us a room; but we can't intervene on the floor. (3)"

[31] Warren Allmand: "The UN High Commissioner for Human Rights has rules for participation, which are more participatory than these proceedings; so it's not the CICC; it's the rules. Last year, Kofi Annan reviewed the rules, attempting to make it more open. But in a way they did a bit of both of what they were trying to do- they were going to make it more difficult for us to get into the meetings, to get documents (4).

daily documents from the UN text window, unknowingly. The point of mentioning this was to be sensitive not to abuse this privilege in order not to lose it. A suggestion was made to take only one copy per NGO, rather than for each individual.

Additionally, it was advised not to attend informal UN working group sessions unless specifically invited. Although the NGO members want to know what happens inside these meetings, it was emphasized not to push the limits of admission where they did not belong. A third sensitivity to the limits of the NGO CICC relationship to the United Nations was observance and comparison of the Beijing +5 conference ongoing at the same time directly across the hall. There were hundreds of NGOs represented at this conference- some NGOs had personnel at both the ICC and women's events (though not the same person assigned to both conferences). The tactics employed by the women's NGOs were noted and compared in some sense to the behavior of the CICC NGOs. For instance, some members of the women's NGOs were seen soliciting attention from people distributing position papers when it was not formally sanctioned. This was noted as strategy not to emulate by the leaders of the CICC. However, the women's NGOs are invited into the informal sessions of the UN meetings, which was commended.

The Coalition staff itself did not always have all the current documents and mentioned to the group that they were reliant on being given materials or at least being notified of them by external sources. For instance, the results of an American *demarche*[32] were released to certain governments, and the CICC was aware of this document and expected to obtain a copy soon afterwards, but had no immediate access to it. In conclusion, the CICC relationship with the UN is a strong and positive one, though there is room for improvement. The underlying point is that it is structured, hierarchical, and limited, in elaborating the modern tier of networks.

Relationship to States: A Dissenter and a Progressive

"Some governments obviously do not want to see NGOs and would shut them out if they could. Others do [want them], and the governments amongst themselves are having a hard time." (Allmand 2000:3). As Mr. Allmand points out, states have different positions and feelings towards NGOs, and internal conflictual processes affect their actions as well. I will discuss two states: the United States and Canada. My reasoning in choosing these two is that I had access to

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[32] *Demarche:* Basically, a global roundtable in which American ambassadors meet with foreign ministry in each country to discuss a particular topic (in this case, ICC related issues).

information about each, and both are highly active in the ICC process. In addition, the two countries make a useful paired comparison, because they have extremely different positions towards the ICC.

As the world's remaining superpower, the United States plays a unique role in international affairs. The US exerted considerable efforts in the drafting of the Rome Statute, as well as enormous political and monetary assistance to the ICTY and ICTR. However, it is one of only six countries that dissented against the treaty, in the company of countries that are typically its enemies (Iraq and Libya for example). Its reasons for doing so are a result of complex national legislative issues, vying branches of domestic government, and possibly a sense of exceptionalism towards international law.

The role of the US is particularly crucial to the ultimate success of the ICC because of its capacity for political and economic support. According to Mr. Pace, Convener of the CICC, the "Jekyl and Hyde" personality of the US regarding human rights legislation is not a new phenomenon, nor is it surprising. "They are great champions of human rights and democracy, but not if it applies to them." He sees it as a result of the enormous growth of power the US has seen over this half- century and its accompanying corruptive nature; internal struggles between State Department and Justice Department, the Senate and the Pentagon, the White House and interest group pressure. The US did have many favorable positions towards the ICC in Rome, but at the end of the day the treaty was not acceptable.

Notably, most of the American NGOs did not support the official US position towards the treaty (that it was unacceptable). In this sense, the American NGOs could circumvent their own government and remain active through the CICC. However, the US delegation played a major role in drafting the treaty, and improved several aspects of it through securing checks and balances in the treaty. Overall, he concluded that there is no one real United States, but a complex, mixed situation of negotiated leadership. I asked Warren Allmand, who is Canadian, what he thought of the US role, and his view was that there are internal complexities that make it difficult for the Americans. He alluded to the negative leadership pull of Jesse Helms in this case, but also the strength of US participation in the ICTR and ICTY. On this note of conflicting signals, he concluded that the US seems to send a message saying, "these kinds of courts are good for other people but not for us" (Allmand 6).

Canada is an example of a state that has been consistently progressive and proactive towards the ICC initiative. The NGOs have a strong relationship with the government delegates, and the government has a history of supporting and leading human rights issues such as the land mines campaign. The NGOs have their own internal ICC coalition, and have received funding from the government for related outreach projects. At the PrepCom, the Canadian NGO representatives had a meeting with all of their officials to exchange information and updates on positions (Allmand 2). This relationship contrasts the American counterpart, in which the US CICC group has not had the opportunity to meet with Madeline Albright or another such high-profile figure, whereas the Canadian group is in close touch with their Minister of Foreign Affairs, according to Warren Allmand.

These political dimensions show that the modern aspects of networking are instrumental in a strong coalition. Being aware of one's positions and rights, and learning how to test and expand functional limitations, is part of politics anywhere. The CICC's relationships with the United Nations and member states are evolving through this process and in a broader progression of issue movements.

3.4   The Postmodern

We now launch into fairly uncharted territory of the postmodern network society, in which tiers of horizontal power structures reside through the dispersion of information. Aggregate sources and affiliates coupled with the ability of instant exchange and communication exist and create new ways of networking, as discussed in the following passage:

> "A series of distinct yet nevertheless related tendencies have served in recent years to generate considerable speculation about the 'end of the modern' in contemporary world politics. The first is the long relative decline of American hegemony in world politics, an inevitable process that has had many symbolic turning points… the second is the concurrent and also long- term increasing relative intensity of economic globalization… the third is the oft- described 'revolutionary changes' wrought by the establishment, adoption, and ever- increasing diffusion of new information technologies throughout the interstices of societies, economics, and polities… resulting in the emergence of a fluid experience of 'global life' (Tuathail 1998:24 Ch.1).

This allows for the Coalition to be explained in the context of a broader spectrum. This section is the most detailed of the three, since it is these newer developments of global multi-lateral politics that are least understood. The discussion is broken into three sections to help the

reader separate out different facets of these concepts. The first discusses the "porous nature" of postmodern networking, which is a somewhat sociological function. The second section explores the means by which the CICC has utilized information technology, which impacts spatio- temporal dimensions. The third section relates the Coalition within a broader context, that of an emerging global civil society and directional changes in world politics.

Table 3: Postmodern, The 3rd Tier

Porous Nature	**Global Civil Society**	**Information Technology**
Functional/Sociological	*Political*	*Technical*
Regional networks	New "diplomacy"	Quickness
Ad-hoc, tandem nature	Diversity and sheer number	Instantaneous
Strategy Sessions	of NGOs	Diffusion of information
Issue- Based Convergence	Like- Minded Countries	Internet, telecommunications

Spatial Dispersion and Porous Nature

The porous nature of this Coalition reveals that international politics and multi- lateral cooperation are fragmentary and indefinable. The fluid state of membership, activities, and information flows and informal power networks lend to the ad- hoc nature of the Coalition. [33] The two strategy sessions I attended allowed me to key into the nature of many processes and the horizontal orientation by observing the daily organizational routine. A brief discussion of the regional networks partially demonstrates how the Coalition functions on a global scale as an umbrella to several other networks. "Castells' technologically driven analysis [locates]… networks within a schema that is ultimately eclectic and ad- hoc (Tuathail 1998:25).

Issue- Based Convergence

In this new type coalition- building and networking, groups and events form around the issue, not as a cohesive functioning entity in themselves. I denote this trend as "issue- based convergence" in which it is the project, not the institutions or organizations, that create the need for a shared political and communicative space. This is very much the case with the CICC, as most of the NGOs involved have multiple interests and issue advocacy areas. Many of them converge across groups on issues such as women's, human rights, or environmental, but no two organizations have the exact same mission and strategies. The Coalition serves to streamline the

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[33] Allmand: "I've heard the claim that the coalition represents 700- 900 NGOs; I think we have to be careful in claiming that we have that many. Some of those groups may not even know what the ICC is; I

individual organizations' activities pertaining to ICC development and initiate joint efforts, but it is not a legal or permanent alliance. Warren Allmand commented on the multiplicity of organizational dimensions:

> "Our organization has 50-60 projects going in various areas; we deal with women, we have somebody at the Beijing +5 pre- conference; we were in Seattle [for the WTO meetings] with the unions; we are in economic and social rights, many areas of human rights and democratic development. This is a major campaign but it's one of several. Economic globalization is another big one; violence against women and areas of conflict is a big one; so this is one major, but I can't give it my full attention. (4)

Functions

In the traditional tier, the face- to- face interaction was discussed in terms of informal power structures. Now we discuss the meetings through a different lens: in terms of how the processes by which the CICC disseminates information and coordinates activity. Within the strategy session meetings, the way in which information was given and received was flexible and somewhat ad- hoc. Certain announcements and group lists were taped to the wall; interns arranged copies of daily documents in folders for pick- up (according to language and quantity specifications). The Convener and Program Coordinator had a basic agenda for the meetings: a series of updates and administrative details, for the most part. They would ask various others to present their findings or points, sometimes leading to tangential issues. There was a conscious effort to be culturally sensitive; for instance, the Convener mentioned that if anyone were celebrating the Islamic holiday they would plan around it.

The meetings sought to relay broad- picture issues. Rather than country by country, procedural overviews were given. Constitutional barriers, issues stalling processes, and general comments comprised the majority of the discussion. As members presented updates on particular countries and regions, various changes and politics were observed. This process was rather loose and fluid. There was a constant attempt to delegate/ streamline tasks and information. The Women's Caucus raised pertinent issues that related to their domain, which demonstrates the cross- cutting nature of NGO activity. Internal documents were available that made predictions about country ratification status with tables of country- by- country info, but these were not for distribution since they were unofficial estimates.

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don't think they would oppose it; I think they would support it; but there's actually a small core of NGOs that actually are pushing very hard and doing a lot of work" (1).

The climatic culture of the CICC was highly chaotic during the time I was present: every person was continually busy, excited, and balancing several things at once. Most had met each other before, having met within the broader NGO community or through the Coalition; this fostered a congenial and relaxed atmosphere. People were not uncomfortable coming in late or having to leave early. New faces, such as myself, were introduced and immediately welcomed.

Legal Process

As in Rome at the Plenipotentiary, the NGO members were assigned into teams to cover different parts of the negotiations. By working in tandem, the groups were able to develop expertise on extremely specific issues and report developments back to the entire group. As a horizontal arrangement, the team structure cultivated an empowering and integrating approach in which every person had a role in the process and had an automatic support group. Even interns (including myself) were asked to choose a team we were interested in and ask how we could be of help.

On the legal details of furthering the process, Canada's implementation model was noted as noteworthy. It was suggested to invite Norway to come in and talk about their ratification process, as they had recently released a 200- page report regarding parliamentary procedure (though it still needed to be translated). The Italian delegation handed out a speech on aggression, with the objectives of trying to speed up the process and articulate certain issues. The Coalition seemed to be in favor of the speech. Other general legal updates on negotiations were given. For example, the Working Group for Rules and Procedure 8 had concluded that day but was still being discussed in informal sessions. There was discussion over whether or not to even use a definition of aggression if it wasn't a strong one.

I was surprised at how often external issues of economics and politics arose. For instance, the springtime floods in Venezuela had halted any ICC progress altogether and in Mexico, the issues were being put on hold until the elections in summer 2000. It was evident that part of working on this campaign was to be cognizant of world affairs and how they relate to ICC issues. This is postmodern in the sense that the processes by which the CICC operates are multi- faceted, tangential, and unlimited in nature.

There is certainly a honeycombed nature to the method in which the NGOs participate in the drafting of these laws. Work is often parceled and hurried. There is generally a need for people to help type reports, synthesize information, communicate, and organize. Members are

continually raising new strategies, aims, and methods. There is a need for streamlining and sharing of information across the various regional strategies and processes. While there is always an abundant amount of work to do, this synthesis of energies helps the CICC accomplish substantially more than without the Coalition. The CICC functions as a mediating agent to coordinate activity, filter information, organize strategy, and produce credibility.

As mentioned earlier in the project, there are numerous regional networks that aim to coordinate NGO activity, government campaigns, conferences, etc. Some are more active than others; some countries have their own internal networks. During the strategy session I attended, invitations to a UNICEF meeting as well as a German luncheon with the like- minded countries were announced. The CICC discussed how whether to send the maximum amount of people or just a few and how to develop goals for an agenda to present. In addition, a European Union meeting was announced. They invited up to thirty NGO representatives, and the CICC focused on outreach and support for this meeting. Portugal, currently a member of the Security Council, was commended for its clever use of its position in the Security Council by advocating ICC issues in the EU forum. Portugal was trying to secure an official European Council Statement regarding technical assistance for EU and non-EU states.

The point of mentioning these details is that the CICC focused on articulating barriers and leverage points in which it, or its various limbs, could pursue small battles. There is no one strategy or approach, but a continuous learning process and tailoring to different places and newly arising issues. As the above- mentioned analysis points out, the networking process is at every step porous and dynamic at every layer of activity.

Information Technology

Changes in information technology impact all of our lives on a daily basis. Computers, phones, faxes mediate among people and distort time and place components of interaction. "The deliberative democracy of face- to- face embodied politics is being challenged by… communities in user.groups, list.serves and network.communities" (Luke, in Tuathail 1998:283).

In the 1990's a new communicational space has been created through the technology revolution that has been emerging and accelerating over the course of the past century. There are many elements: telecommunications, such as telephones and faxes; information technology, such as computer use, the Internet, and email. Mobility is highly increased with the frequency of

planes and other transportation. The result is an explosion in the amount of information generated and available; instantaneous flow of information is oftentimes without physical boundaries. "The methodical movement of stuff is becoming 'the instantaneous and inexpensive transfer of electronic data that move at the speed of light… irrevocable and unstoppable' (Negroponte 1995: 3-4, in Tuathail 1998 Ch.1)."

In regards to the CICC, the question I pose is: how can information technology make networking activities less costly, more efficient, and more accessible? It has several components that currently aid it in doing so. There is an email listserv for those interested in daily updates, open to any that choose to subscribe. It provides an instantaneous and continuous flow of related material. On this listserv, weekly/ monthly updates are published, for a concise summary of all related events; articles and references in international publications are sent out via text or web link, so that people are kept abreast of media coverage and various perspectives. The updates include the following sections: an introduction, regional updates, upcoming events, ICC in the News, special features, and CICC information. In addition, scholars and NGO representatives raise issues, questions, and problems to the listserv in a professional manner to elicit help/ responses. In- depth coverage of the PrepComs is also distributed.

The Internet homepage is extremely useful for anyone seeking information regarding the International Criminal Court. There are specified links for document of different types, NGO information, UN information, other links, special reports, updates, and the previous quarterly *CICC Monitors* are kept online. There is contact information with email and street addresses for further information. The Steering Committee is listed, and I was able to obtain a complete listing of the Coalition by emailing the CICC program assistant. In this sense, the Coalition is truly utilizing a horizontal network arrangement in which anyone is able to join or withdraw, and information is disseminated to everyone transparently and circulates to and from sources around the globe.

"[Infotech] helps a lot, but… we get piles of email every day. Just sorting out what is essential from what is non- essential is a major task in itself. Sometimes you wonder; then there's faxes, telephone…but there's no doubt that the email helps quite a bit" (Allmand 2:2000). This point raises a credibility issue concerning the plethora and overload of information: when there is simply too much to evaluate, what gets looked at? Is attention and credibility contingent upon personal or organizational reputation? The Internet has an unlimited capacity to link, send,

and create… but at some point, humans still have limits on what they can absorb as individuals and institutions. This is an issue that deserves further consideration and thought.

Another consideration of the impacts of information technology is the possibility that it disadvantages, or excludes, populations without access to these outlets. Are we entering into an age where the privileged are those who are "connected" and the "unconnected" are left virtually obsolete? In light of the CICC, this does not seem to be the whole story, as several initiatives are being made to include developing nations in the process. However, it is difficult to know the plight of those whose voices are unheard. "At the end of the day, many digerati see the digital nation as inherently anti- statist and post- governmental. Their info- insurrection is 'founded on the ethos of individuality, not leadership. Information flows laterally, or from many to many- a structure that works against the creation of leaders' (Luke, in Tuathail 1998:184)." The explosion of the use of various kinds of information technology has led to an increase in the capacity of coalitions such as these to create new linkages and result in far- reaching impacts, albeit somewhat ambiguously.

Global Civil Society

To consider the postmodern aspects of the CICC in this broader context, it is useful to explore this idea of political participation. As discussed in the literature review, several studies touching upon NGO networking have linked their cases to a growing world civic consciousness. Bill Pace traces it to an emergence of civil society since the Cold War across different issues. He sees NGO development as unprecedented in four realms: the sheer number of people and organizations; the level of expertise being brought in to negotiations; the diversity of the kinds of groups that are active; and that NGOs are becoming involved in early stages of negotiations, not just coming to conferences.

He mentions a "New Diplomacy," a term coined by the Canadian Prime Minister. This entails NGOs, progressive governments, and international organizations combining to take a treaty process forward even with major opposition from big powers. This can be seen as addressing the "lowest common denominator." Warren Allmand sees the emergence as part of a progression of NGO involvement in different political issues such as land mines, the environment, economics.[34]   In recent months, this type of activism has grown exponentially

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[34] Warren Allmand: "What gave a lot of impetus to NGO movements of this kind was first of all the land mines. But the 1st big breakthrough on NGO participation was the Vienna Human Rights conference in 1993. At previous conferences there weren't any NGOs from Africa, Asia, Latin America; whereas in

regarding the international financial institutions (WTO, IMF, World Bank) as evidenced by the tens of thousands of protestors in Seattle last November and in April in Washington, D.C. Loose conglomerations of activists and NGOs can be confusing to the general public, messy in their analysis, and lacking in clear- cut goals; however, they do push issues into the public eye and onto the policy agenda.

Functioning in Rome

How has the CICC helped facilitate participation of civil society? In Rome during the drafting of the Statute, the NGOs served in a multitude of ways, some of which were new participatory roles for NGOs at a UN conference. Some of their notable functions are listed below:

➢ Provided translation and interpretation services;

➢ Conducted sessions for small countries (to present upcoming issues and various government/ NGO positions);

➢ Assisted the UN financially in the NGO accreditation process (Mr. Pace underscored that although he wouldn't want this to be a precedent in any way, it was necessary because of a lack of UN funds; the implication is that with the CICC collecting background documents from the NGOs, there could be legitimacy issues raised later);

➢ Five caucuses were established: Women's, Children's, Victim's, Religious, and Peace. More will probably be added in the future; for instance, regarding issues of defense or finance;

➢ Had a media strategy team to present information to the public;

➢ Followed the negotiations closely by organizing into teams.

The Coalition has served both as a facilitator for civil society involvement in the negotiation process as well as, in the words of one government official, 'the world's principal source of information on the ICC'" (Pace and Theiroff 1998:3). In Rome, the Coalition was organized horizontally into teams of individuals assigned to cover certain subject matter in the treaty discussions. This format/ approach has continued at the PrepCom sessions. There were thirteen teams, self- organized around the way in which the treaty was being negotiated. Some of the bigger NGOs resisted this until the last moment, but Mr. Pace viewed it as the only way

Vienna they had a massive, a huge increase in participation. "This [Seattle] is a whole new coalition building up with respect to economic and social rights. Those cases, it's not just NGOs but also trade unions; and different kinds: human rights, environment, health, agricultural, farmers.

that the negotiations could be covered thoroughly. As a result, the NGO network in fact amassed more information about the proceedings than most government delegations.

Each team would be designated to follow the developments pertinent to its subject matter, then compile and analyze the information and present it to the bigger group at the Strategy Session meetings. Since the Coalition had plenty of personnel to cover the meetings, this approach enabled complete coverage of the negotiations (which may have been the case for maybe one or two governments). In addition, some of the legal experts with government delegations were affiliated with the CICC, so they were able to gain information about the informal proceedings in some cases. Such persons were not representing the Coalition, but worked in tandem with governments and NGOs. Again, the porous nature of politics pervades all aspects of this law- making process. Another example is the group of like- minded countries: an informal alliance of governments that continue to jointly support a strong international court.

Like- Minded Countries

In 1994, a handful of countries in support of the ICC came together to work on how to further and advance the process. This group grew to over 67 by the end of the Rome Conference, "like- minded" to various degrees. Bill Pace views this as a "fairly powerful mechanism that had a huge impact on the success of the Rome Conference"(5). The Like- Minded Group of Countries approved the principles suggested by the CICC in 1998 to guide their efforts, which was seen as a sign of strong continued commitment (Pace and Thieroff 1998:5). This endorsement exhibits a show of solidarity behind the creation of a strong and just court along with willingness to compromise individual needs for the sake of coalition building. Hans Peter Schmitz discusses how to seek answers by looking at specific networking and mobilization strategies that deliberately circumvent the state and build connections between like- minded domestic and international activists (1999:15). The group of like- minded countries and the networking among NGOs certainly do create linkages in a gray area somewhere between individual action and state policy.

"The emphasis on world civic politics stresses that while these… efforts may not translate easily into state action, they should not by viewed as simply matters of cultural or social interest. Rather, they involve identifying and manipulating instruments of power for shaping

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So there you've got a new group of NGO's, not the ones you usually see on CPR [civil and political rights];. So there's a growing movement (3).

collective life" (Wapner 1995:3). In this case study, I have analyzed the emerging nature of "world civic politics" by analyzing one issue area that is exceptionally well- developed. The reason it is important to articulate this abstract notion is that although the CICC often partakes in activity devoted to influencing or aiding governments, the effects of its efforts extend far beyond the role of international lobbyists.

This emergence of a 'global civil society' is a promising topic of study, and systematic research will continue to increase in the near future. In fact, on May 20, 2000 there was a conference held at the University of California at San Diego, entitled: *Critical Citizenship: the Role of NGOs in Civil Society*. The purpose was to facilitate interdisciplinary dialogue in order to increase academic and policy- oriented research. This event shows the growing niche in literature that seeks to understand NGO activity in the global context of civil society.

Remarks

From my research and intern experience at the PrepCom in March, I learned that the CICC is a diverse coalition comprised of many dedicated people working towards the development of the ICC. There was a constant time crunch and urgency, yet a continual sense of excitement and passion for the material. Continual efforts were made to be democratic, and everyone was made to feel welcome at the strategy meetings. Resources such as space, documents, and language skills are always gladly received, but overall things ran smoothly and efficiently.

In observing whether NGOs were perceived as threatening or unwarranted versus welcomed and respected, I noted that it seemed more on the positive side. NGOs had an important and unique presence at this conference. As a female graduate student interested in a career in legal human rights, I was also pleased to observe that many of the NGO representatives were fairly young women. This was in contrast to the government delegates, who were mainly older males. It would be useful and interesting to seek the opinion on this matter of state delegates, but in my position this was not feasible.

Beyond the lawyer- like details of the CICC meetings, normal organizational and psychological issues arose, but when tensions did surface the congenial atmosphere allowed them to be dealt with easily. The ability of the Coalition to continue through the Rome process is a sign of resilience. The fact that the Coalition not only remained operational but also was

strengthened from the Rome experience is somewhat unique. According to Mr. Pace, the Coalition agrees on major issues and diversity on smaller issues is in fact one of the strengths of the CICC. These facets of the Coalition have shown that NGO networking is truly multi- layered and merits analysis.

The three categories of traditional, modern, postmodern are intended to suggest one method of separating out these concepts. They allow us a way to gain insight through investigation. I do not intend for this study to be a comprehensive work but rather to highlight the significance of these developments by exploring various characteristics of NGO networking.[35] I hope that this project will help to open up a dialogue not only about NGO networking but will also raise questions concerning the traditional approaches to study of world politics.

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[35] "In playing the then/ now game of designating the modern and its transformation into the postmodern, here is often an irresistible urge at work rounding up, branding and ordering the messy complexities of human history into clean and precise categories.While the categories of modern and post- modern geopolitics have pedagogic merit, we should always be cognizant of how the density, hybridity, and impurity of contemporary socio- spatial and socio- temporal practices often escape the grasp of our theories. A modest note of caution, it is a point worth remembering as we struggle to untangle and describe the (con)fused, fragmented and fractal post/ non/ modern geopolitics of the twenty- first century" (Tuathail 1998:34).

CHAPTER 4: Analysis and Evaluation

4.1 Utility of the model: Taking Stock of the CICC's Impact

Luke and Tuathail's three- tiered approach has been a useful model for explaining how NGOs in the CICC network among each other and with other actors. Each tier allows one to understand the different layers of NGO operation as they act as mediating agents between states and institutions. By building on a historical framework of NGO activity, this model delved into the complexities of networking, in order to make abstract concepts, such as coalition building and mediating, applicable to the practitioners of international law.

It is important to point out that the categories listed below in Table 4 are not mutually exhaustive or necessarily chronological; the distinctions work in and out of each other. This project essentially applies theory to praxis in order to elucidate the implications of building a global civil society. I will briefly review the major points of the analysis and comment on the utility of each to clarify the purpose of using this model. Table 4 seeks to align the theoretical framework of network analysis with the results revealed by the data from the case study:

Table 4: The Tiers of Networking Applied to the CICC

TRAD-ITIONAL	→ CICC	MODERN	→ CICC	POST MODERN	→ CICC
Spatial Proximity -Face- to Face Informal Power Structure -Elites Dominate	New York -Informal Congeniality -Physical presence Northern/ Western Bias -Money -Technical Assistance	States/ Leaders -Defined/ Limited Relationships Domestic/ International -Hierarchical, assigned roles Inside/ Outside -Vertical Chains of Command Human/ Machine Creations Mediate	Relationship with Institutions: -United Nations -Regional Organizations Relationship with States: United States Canada	Global Webs of Information -Spatial Dispersion -Quickening of Flows Familiar structures buckle Networks/ Coalitions - Ad-hoc -Horizontal -Issue- Based Convergence	Sociological -Porous Nature -Regions -Strategy Sessions Technical -Information Technology -Instantaneous Political -Global Civil Society -Diversity, Sheer Number -Like- Minded Countries

The Traditional

As seen through the lens of the traditional networking category, the CICC demonstrates several facets of place- based, informal interaction. Spatial proximity still plays a very important

role in day- to-day activities, as evidenced by my observations of the positive internal culture in New York. Minor conflicts were dealt with ease, and the individual networking among NGO representatives seemed as consequential as the PrepCom negotiation sessions at times.

The major activities of the Coalition are carried out by a core group of NGOs that are mainly large, older, northern/western NGOs. They are the primary engines behind the CICC, but are taking proactive action to include and increase the participation of NGOs from developing countries, for example in Africa and Latin America with ratification training manuals. This is problematic in that the northern/ western NGOs have more influence over the decisions and strategies, and this creates a hierarchical elite within the coalition. Money and historical location privilege those organizations that have the resources to be physically present at events and develop personal relationships with members of NGOs, states, and institutions. However, I observed considerable efforts being made to counter this disproportion, from the lengthy briefings on Latin American activities at the strategy sessions to the country- specific implementation kits for Africa created by Amnesty International. The programs would be strengthened by an increased focus on Asia, the Middle East, and Eastern European countries. The traditional aspects of CICC networking reveal these subtle layers of power structure and mediation.

The Modern

With regards to the modern aspects of networking, the CICC does have relationships with institutions and governments that are in some ways hierarchical, limited, and assigned. Its relationship with the UN has been a positive one; any NGO in the Coalition is allowed to observe all formal sessions at the Preparatory Commissions and copies of pertinent documents. Their position could be improved by the allowance of NGO document distribution, and perhaps the inclusion of policy addresses to the delegates, according to Warren Allmand. In addition, Bill Pace adds that although UN access is at present satisfactory, the CICC must work on other aspects of the international law- making process. In particular, he noted a need for increased attendance at the meetings, observation of procedures, obtaining of pertinent documents, the making of NGO documents available and gaining access to all negotiations. Overall, however, he assessed that the ICC process is better than lots of democratic processes at other national levels. Their presence at the PrepComs is peripheral compared to the standing held by state delegations,

but the fact that the NGOs have been able to work within the UN system to influence the development of the International Criminal Court is significant.

The role of states and their relationships with the NGOs are complex and multi- faceted and affect this process at every level. To some degree, the NGOs act as lobbyists to their respective governments; yet they also serve as information sources, legal experts, public educators, etc. For instance, during the drafting of the treaty at the Rome Plenipotentiary, the NGO headquarters was actually a combination of rooms allotted to states. Yet, the Coalition held daily briefing sessions for the state governments, because their personnel and diligence provided fuller coverage of the procedures than many small countries were able to do alone.

Some progressive states, as demonstrated by the Canadian example, have been progressive and have helped quicken the process. Canada's government has contributed funding to NGO projects, meets regularly with the Canadian NGO Coalition, and most importantly has been a strong advocate for the ICC throughout its development. Others, such as the United States, have for reasons of internal dispute have not signed the treaty and continue to raise issues of national sovereignty, defense, etc. These competing interests and a lack of central support on the domestic level challenge the NGOs based in the US. Though the United States is highly active in the ICC processes, it is often a source of controversy in negotiations and does not cohesively provide support for the NGOs. Overall, the ways and degrees in which NGOs interact with states is varied and is dependent upon the characteristics of each government, its position towards the ICC, and the amount of domestic pressure coming from the NGOs.

The Postmodern

The postmodern explication of the case study is the most weighty, as it is these developments that are newest to political science. Through attending two strategy sessions at the PrepCom in March 2000, I was able to gain a sense of the ad- hoc nature in which activities are carried out. By elaborating on the CICC's functions, internal culture, and legal process, I was able to extrapolate concrete details to explain the notion of working in tandem and how porous these processes are. These sociological aspects are the physical manifestation of this network; the underlying technical aspects are important in the spatially- dispersed broad Coalition. The use of information technology reveals how the CICC is able to instantaneously disseminate information around the globe and create this new communicational space. The website provides links to relevant reports, background documents, and other related links that can be accessed

online. The email listserv allows a continual dialogue in which experts worldwide can update each other, respond, and closely follow the development of the ICC and the Coalition's actions. These facets of the Coalition's progress beg the question of how such far- reaching tools for organizing affect the diffused nature of actors within the spectrum of political activism.

Global Civil Society

By considering this case study in the broader context of 'global civil society,' I have been able to draw some sketches regarding the direction of today's multi- lateral world politics. "World civic politics is one category in which to think about NGO activity; politicizing global civil society by turning formerly non- political practices into instruments of governance" (Wapner 1995:17). Postmodern networking involves a fluidity and redefining of roles and a plethora of "actors" that fall somewhere between the state and the individual. Thinking about world political change in terms of global civil society is a promising way to explore the various layers of multi- faceted interaction that can not be tapped into through state or individual levels of analysis. Future research would be merited through this lens.

The locus of power changes as actors other than states become important in achieving desired outcomes. By tapping into the formation and functions of this broad- based network, we are able to better understand this increased communicational space for non- state actors in the global political forum. Using the three- tiered model for this case study gives one an up- to- date and comprehensive depiction of global civil society in action. As a multi- partite process, the CICC takes into account NGOs, individuals, specific governments, regional alliances, and like- minded states in its decision- making opportunities.

As political science analysis broadens to include these various parts of institutional development, states remain the primary units by which the United Nations process functions. However, this emergence of "global civil society" and new types of political participation appearing in the UN conferences indicates that the system is becoming less state- centric. To what degree is this happening? The Coalition has allowed credible information sources to develop as creators and filters of expertise on every issue related to the ICC negotiations. These sources are the CICC itself, as a body that organizes activity and information, and the regional and country- specific NGO groups. The Coalition is able to influence ICC development around

the edges, as lobbyists to state parties and or as negotiation observers, and more directly, in ways such as conference organizers, report producers, or as contacts for ratification/ implementation training for numerous countries. Overall, the extent to which the CICC has been influential in this process is significant in terms of the formulation of global institutional development.

4.2 A Broad- Based Coalition as an Agent of Coordination and Change

The CICC is a network that has had certain successes and limitations. So what then are the impacts of the CICC on this international law- making process? It has affected the pace of policy development regarding the ICC, and increased the broader role of NGOs in civil society. It did not emerge as an independent entity: progressive governments, regional alliances, the like- minded country group, and other NGO movements, for example, have all helped to bring about the Coalition. However, by serving as a coordinating body apart from governmental control, it has contributed in a unique way to the development of the ICC. In the area of international human rights law, this participation in unprecedented, though other NGO movements have built the historical impetus for this to take place.

The CICC participates in the creation of a permanent International Criminal Court as part of a bigger process taking place. Actors such as governments, regional networks, individuals such as lawyers and academics all add to the progress being made that is arising out of historical development of prosecuting war criminals.[36] The Nuremberg and Tokyo military trials were the first time this was attempted; more recently, the ICTY and ICTR have put these legal norms to test through action. Now the ICC seeks to create a permanent international criminal judicial institution for the first time, which makes it an ideal subject for studying the contemporary molding of international law of non- state actors.

The international legal process involves continual drafting, monitoring, and discussion of all aspects of the treaty and institution. Members of the CICC have continually helped keep track of and draft elements of the statute: legal experts and collaborative efforts allow it to be in a uniquely informed position. How instrumental has the CICC been? The interplay among

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[36] The necessity of interaction and coalition- building are discussed by Hans Peter Schmitz: "The authority of network members relied mainly on a combination of principled adherence to international human rights norms and a professed expertise on human rights issues over decades. However, often success was also crucially dependent on coalitions with other institutions "in authority," such as the UN or Western States (1999:1)"

individuals, NGOs, and governments in the process are key to the current success.[37] Here, sum up quote The NGO Coalition allows a new voice to be heard at the table, one that crosses national borders but also works within them. In a sense, this activates the "boomerang" theory of NGO impact discussed by Hans Peter Schmitz: "The 'boomerang' originating in the domestic arena passes through the international realm and finally 'hits' the… government 'from above'(1999:15). The Coalition has been able to compile, exchange, and disseminate information regarding the ICC on a global scale, and then mobilize and utilize this information at UN conferences and national agendas. Overall, this is a multi- lateralized process in which a legal regime is being created through the efforts of many. I have not only documented how this regime was created but also how it operates to fulfill the global agenda of the ICC.

> *Let me acknowledge once again the magnificent contribution made by voluntary groups from all over the world in getting the Statute of the Court adopted in Rome.*
> *Kofi Annan, UN Secretary General address to the Hague Appeal for Peace Conference, The Hague in May 1999*

4.3 A Network in Progress: an Assessment of the CICC

Challenges face the CICC in the future from local to global levels. Clearly, the principal goal of the CICC is the creation of a strong and effective ICC, entered into force by the necessary sixty ratifications.   The treaty is stronger than many expected, and the number of signatures is increasing as the pace of activity is accelerates. Warren Allmand, President of the International Centre for Human Rights and Democratic Development, asserts that focusing on the number of signatories is not acutely meaningful and highlighted the need for more ratifications.[38] He also noted the complexity and importance of implementation legislation and conflicting constitutional clauses. For instance, some governments, such as Canada, have provisions that prevent lifetime prison sentences. The ICC statute stipulates life in prison as the worst possible penalty. Synthesizing legal conflicts such as these will be difficult. As the first permanent international criminal tribunal, there is no previous model and these fusions must be pioneered.

The coming year is promising, however: the pace of ratifications has been accelerating over the past four months. North America, Western Europe, Latin American, and parts of Africa are moving steadily along on the processes. There are weaker areas that need more attention and involvement, such as the Middle East, Eastern Europe, and much of Asia. Overall, the ratification/ implementation stage presents many challenges, but the NGOs have already initiated a multitude of strategies to quicken the process (for instance, the training manuals produced by Amnesty International and International Center for Human Rights and Democratic Development).

A second challenge is that of resources. Mr. Pace, Convener of the CICC, noted the need for increased concentration on pooling resources and to speak in a collective voice in order to accomplish maximum results. Literature on transactional cost economics alludes to this emerging phenomenon: "If we move from a regime of zero transaction costs to one of positive transaction costs, what becomes immediately clear is the crucial importance of the legal system in this new world" (Coase 1992:9). From this logic, the development of a strong criminal court can be best pursued through increased coordination and an attempt to reduce transaction costs. Through collaborative governance, the hybrid collection of different "agents" can combine to achieve greater efficiency. The CICC has attempted to utilize members' common ground by emphasizing what agents have to offer process. "We organized ourselves in a way to try and minimize the members doing their own initiatives for the court that were primarily promoting their own organization" (Pace 1). In addition, the use of information technology to disseminate and produce information sources increases the CICC's ability to reduce transaction costs.

There is typically a shortage of monetary resources in the non- profit world, and the CICC is no exception. Though from appearances the Coalition was not as under- funded as I expected, both interviewees raised issues of financial difficulty to me. Warren Allmand mentioned that although they skimp and save, he and most people in the Coalition believe that much more can get done together than apart. Surely the CICC (moreover, its member organizations) could use more funding and resources, but by streamlining efforts, they are able to accomplish more than without the Coalition. Funding is currently received from individuals, NGOs, private organizations, governments, and regional organizations. The diverse support base is to some degree a strength because the Coalition is not dependent upon one source for its sustenance.

A third challenge is collating with the tumultuous nature of an international political system in transition. With redefined roles and highly specialized areas of expertise, people from different wings of this effort may not understand the procedural agenda or ability of their counterparts. Bill Pace highlighted the discrepancies in organizational culture among key actors:

> "It is astonishing how little "stakeholders" know about each other. NGO's don't know what it's like to be a government representative, international civil servants don't know what it's like to be from an NGO, the United Nations representatives don't get the government or NGOs." (2000:6)

It would be useful to expand research on NGOs in international law and politics, to add to rhetorical analysis of their increasing role. "These forms of social action are indeed relevant for an understanding of regime change" (Schmitz 1999:15). Perhaps the role of NGO networking is partially underestimated at present because it is not fully understood. As a shift occurs in the forums in which international law and norms form, non- state actors have new opportunities to manipulate power relationships to expedite their agendas. Keck and Sikkink raise this possibility in their discussion of environmental networks:

> "At the core of network activity is the production, exchange, and strategic use of information. This ability may seem inconsequential in the face of the economic, political, or military might of other global actors. But by overcoming the deliberate suppression of information that sustains many abuses of power, networks can help reframe international and domestic debates, changing their terms, their sites, and the configuration of participants. When they succeed, advocacy networks are among the most important sources of new ideas, norms, and identities in the international system."(1998,x)

This Coalition emerges out of a trend of NGO networking, not unlike the NGO Coalitions that have built up around environmental and women's issues. The dispersed, broad nature of the Coalition's membership creates the capacity to reach grassroots levels as well as global spheres of influence. Through means such as providing technical assistance to empower local NGOs, sponsoring regional conferences, visiting government delegates, or attending UN meetings, the CICC contributes not only to the normative value of human rights, but also towards awareness and support for institutionalized protection of abuses.

CONCLUSION

"The process of contracting needs to be studied in a real world setting. We would then learn of the problems that are encountered and of how they are overcome and we would certainly become aware of the richness of the institutional alternatives among which we have to choose" (Coase 1992:11).

This project combines a theoretical approach to the subject matter while grounding it in contemporary policy development. The combination of research, interviews, and observation has allowed me to gain an in- depth, concrete perspective of this particular coalition; I have attempted to separate out some distinct layers and roles of NGO as mediating agents in a larger network of states and institutions. As a result, our understanding of these phenomena is increased, while a 'real world' perspective is maintained. Essentially, the case study has successfully tested theory versus praxis.

NGO networking can be viewed as a way of explaining coordination. The "nodes" and channels through which networks interact are exponentially increasing, as the number and type of NGOs proliferates and information technology heightens their capacities for communication.[39] Networks are open structures, able to expand without limits, integrating new nodes as long as they are able to communicate within the network, namely as long as they share the same communication goals; for example, values or performance goals. In this case, the general but solid principles of the CICC tie the various groups together by creating goals, although the make-up of the Coalition is continually changing. A network- based social structure is a highly dynamic, open system, susceptible to innovating without threatening its balance (Castells 1997:470). Maybe a norm pertaining to networks is beginning to emerge, and this coalition is an example of an embedded institutional manifestation of cross- border, multi- issue advocacy. This phenomena, which is increasingly common in the 1990's, merits systematic observation. Future research is certainly justified, as this project explores patterns but can not thoroughly explore each concept because of its limited scope as a Masters' thesis. My analysis was drawn the interview responses, meetings I attended, and review of CICC documents. The conclusions are solely my own and as a subjective academic, they are surely susceptible to inaccurate perceptions. This project does not pretend to provide definitive answers, or completely develop every concept mentioned. I would highlight the complexities of these ideas, and remind the

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[39] The concept of "nodes" as used here is taken from Castells *The Network Society* (1997) and applied to this case

reader to view this project as an initial undertaking grappling with multi- faceted interactions. My intention is to attempt to utilize an inter- disciplinary approach to dig deeper into the implications of the proliferation of NGO activity. The CICC network brings about change through a multitude of actors and actions. NGOs have in part set the agenda regarding the ICC, through ways such as public education, participation in the UN system, campaigning with individual states, etc.

The overall value of the case study in the context of academic research is indeterminate, as I write this while NGOs continue to network around countless issues, the International Criminal Court is developing into a viable institution, and academics attempt to keep pace with such events. NGO networking in the context of international politics has outpaced the correlating theoretical efforts. I have attempted to present these ideas in a new way and hope that the reader has gained a fresh perspective on these phenomena.

My goals for the organization? The historical opposition to advance democracy and the just rule of law in international affairs. To replace war and brute power and violence as primary way in which international affairs are determined would be a major victory. The existence of the ICC will result in tens of millions of saved lives, and prevent hundreds of millions of displaced people. It is a small step but fundamental in human history to restrain war. It will result in tens of billions of dollars saved in repairs. It is not a great tool of punishment, but one of peace. The International Criminal Court is one of a constellation of tools: we also need improvements in the areas of diplomacy, rapidly deployable forces, smarter sanctions, the Security Council... So the CICC will continue to play a role in creating a strong and permanent court.
Bill Pace, Convener of the NGO CICC- March 14, 2000

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study in terms of NGO interaction.

Appendix: Timeline of International Criminal Law Development

1625	Hugo Grotius publishes *The Law of War and Peace (De Jure Belli at Pacis)*
1899	Conventions in the Hague (laws and customs of war codified)
1907	Conventions in the Hague (laws and customs of war codified)
1920	Permanent Court of International Justice established
1928	Kellogg- Briand Pact outlawing war as an instrument of national policy
1945	Nuremberg/ Tokyo military war crimes tribunals
1946	UN General Assembly adopts principles of Nuremberg Charter and Judgment
1946	Tokyo Trials
1946	London Agreement creates International Military Tribunal
1948	The Convention on the Prevention and Punishment of the Crime of Genocide drafted by the UN Assembly
1948	Universal Declaration of Human Rights is adopted
1949	Geneva Convention
1950	International Law Commission drafts statutes for an International Criminal Court, but opposition from powerful states on both sides of the Cold War stymies the effort and the General Assembly effectively abandons the effort pending agreement on a definition of the crime of aggression and an international *Code of Crimes**
1975	Convention on the Prevention and Punishments of Crimes against Internationally Protected Persons Including Diplomatic Agents
1976	US/ 6 Latin American States adopt Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against of Persons and Related Extortion
1976	International Convention on the Suppression and Punishment of the Crime of Apartheid
1977	Geneva Convention Protocol added
1985	International Convention Against the Taking of Hostages
1989	US Ratification of CPPCG
1989	International Law Commission begins drafting statute for ICC; The end of the Cold War brings a dramatic increase in the number of UN peace- keeping operations and a world where the idea of establishing an International Criminal Court is more viable*
1993	Ad Hoc War Crimes Tribunal for the former Yugoslavia est.
1994	Ad Hoc War Crimes Tribunal for Rwanda est.
	Guatemalan Commission for Historical Clarification established through Accord of Oslo
1995	South African Truth and Reconciliation Commission set up under the Promotion of National Unity and Reconciliation Act, No.34
1998	International Criminal Court Plenipotentiary in Rome

*some excerpts taken from NGO CICC homepage:http://www.igc.apc.org/icc/html/timeline.htm

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MA, Political Science; International Development (Specialization)　　　　May 2000
Virginia Polytechnic Institute and State University, Blacksburg, VA
- Thesis: *"The Non- Governmental Organization Coalition for an International Criminal Court: A Case Study on NGO Networking"*

BA, Political Science; International Studies (Minor)　　　　December 1998
Virginia Polytechnic Institute and State University, Blacksburg, VA　　**QCA: 3.7**
- Magna Cum Laude, Phi Beta Kappa, Commonwealth Honors Scholar
- Urban Affairs and Planning Concentration
- **Center for European Studies and Architecture**, Riva San Vitale, Switzerland, Spring 1997
  Cross-disciplinary program including study of European integration, philosophy, literature
- **The Washington Semester**, Washington D.C., Summer 1997
  Integrated study of global, domestic, and local public policy through internship and seminars

International Institute of Human Rights, Strasbourg France (July 6-31, 1998)
- Attended Study Session for 50th anniversary of the Universal Declaration of Human Rights
- Awarded certificate for completion of seminars on legal structures and implementation procedures

EXPERIENCE

Graduate Teaching Assistant, Department of Political Science, Virginia Tech
- **International Law/ Organizations** and **Indigenous Peoples**, 20 hrs/week, 1/00-5/00
  Assisted in administration of courses; graded materials; advised students
- **Judicial Process** and **World Politics and Economy**, 20 hrs/week, 8/99-12/99
  Instructed 35 person discussion section weekly; graded essays and exams; attended lectures
- **On-line Masters' Program,** Web page design, 20 hrs/week, 5/99-8/99
- **International Political Economy,** 20 hrs/week; 1/99-5/99
  Instructed 50 person section weekly; participated in course organization; graded all materials

Service Project, Habitat for Humanity/ Target Earth, Ixmiquilpan, Mexico (July 12-24, 1999)
- Sustainable development/ community planning; constructed homes and farmed

Intern, Office of the Secretary of Defense, Prisoners of War and Missing Persons Directorate,
The Pentagon, Washington D.C. (seasonal: 5/97-12/98, 40 hrs/week)
- Researched Korean War, Vietnam, and Cold War American losses at Library of Congress and National Archives; procured, analyzed, and compiled records for over 20 projects
- Designed and implemented library database system for Korean War documents

Server, Donaldson Brown, Blacksburg, VA (8/97- 12/98), Cracker Barrel, Dumfries, VA (5/96-1/97)
- Minimum of 10 hrs/ week during school and full time over breaks to finance personal expenses

HONORS AND ACTIVITIES
- Dean's List, all semesters　　　　•Gamma Beta Phi
- **United Students Against Sweatshops,** Graduate Student Representative to administration; Drafted Virginia Tech Licensee Code of Conduct, negotiated for its adoption, 1/99-10/99; Student Delegate to the University Group, Fair Labor Association White House Initiative, 6/22/99 Helped lead national conferences in Washington DC and NYC, summer 1999 (10 hrs/week)
- **Undergraduate Honor System**, Associate Justice, 1998; panel member, 1997 (15 hrs/week)
- University Honors Associates, Environmental Committee Chairperson, 8/95-12/96

SKILLS
- **Computer**: IBM/Macintosh, Microsoft Office, Internet, HTML, SPSS, Paradox, Minitab
- **Language**: intermediate proficiency in Spanish, elementary proficiency in French/ Italian