



Laidlaw Scholars Undergraduate Leadership and Research Programme
Research Proposal

Analyzing the efficacy of the International Criminal Court in punishing and deterring criminal behavior internationally.

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Abstract

For the Laidlaw research program, I am going to be investigating whether or not the International Criminal Court is an effective institution in punishing and deterring crime internationally? To tackle this question, I am going to be splitting my time into two main parts. The first part is going to focus on the ICC's role in punishing crime internationally. For this, I am going to be looking through the courts data bases and existing court documents to see if there are any trends such as prominence of one specific region of the world represented in the cases, within the operations of the court. After going through the court data bases, I am going to be analyzing the ratio of convicted criminals to criminals at large. For the second part, I am going to be looking at whether the ICC is effective in deterring crime internationally. For this part, I am going to be conducting a literature and media review operating under the assumption that if the public believes the ICC to be an effective institution, then they will be less likely to commit crimes for fear of concrete retribution. I am going to be pulling from news opinion pieces as well as academic articles to garner a wide breadth of opinion on the workings of the ICC.

Introduction

I choose this research topic as it allows me to delve into a field of study that I am passionate about. I hope that it will allow me to gain insight into the area of international law and understand the workings of some of the most important international institutions in the world. Now only that, I hope it will also help my narrow down my focus in the incredible broad field of human rights and international law so as to give me a better sense of what I want to pursue in the future. I hope that my research will highlight work that needs to be done towards ensuring an equitable, reliable and effective system of international criminal justice.

Through this research, my goal is to analyze the work of the International Criminal Court through the lenses of punishment and deterrence. My goal is to render a solid verdict on the efficacy of the ICC and gain a better understanding of the international legal system. Dependent on my finding, I also hope to identify possible pitfalls of the system and highlight them for future consideration and comment.

With such lofty goals, there are also some challenges that I have identified such as making sure that I remain focused and on task, as well as being diligent about self-motivation and discipline. To stay on top of these challenges, I am going to make sure that I have a detailed plan and have frequent check-in points scheduled throughout the research period to all me structured time to reflect on my progress. Forcing myself to evaluate what I am doing will allow me to stay focused and on top of things as well as give myself the opportunity to change my plan and pivot effectively if necessary. As for self-motivation, I am going to be relying a lot on my family and the people around me as well as my passion for the subject to make sure that I remain diligent and on task. Within this, I also acknowledge that I will not always be able to perform 100% of the time and so I also plan on being reasonable with myself and with my limits as a researcher, a student and a person.

Research Objectives & Questions

The main question I am answering is whether or not the International Criminal Court is effective in punishing and deterring crime internationally? My research will be focused on analyzing efficacy, bias, reliability and legitimacy. More broadly however, I hope to be able to come to a deeper understanding of the consequences of institutionalized protection for human rights and international law. What does it mean to mandate the respect for a certain value set on an international, precedent setting scale? What are the implications of charging individuals for crimes under international law?

As I conduct research in a field I am passionate about, I hope to be able to gain a better understanding of the international systems of criminal justice. On a personal level, I hope that this research will serve as a starting off point and as a moment of discovery and exploration for me to delve deeper into a field of study I am passionate about. I hope that it might highlight where I might be of use in the future as I work towards understanding the international juridical systems that govern us and how to work towards ensuring an equitable, reliable and effective system of international criminal justice.

More globally, I hope that my research will offer a different perspective on the field on international law. I want my findings to be able to serve as potential recommendations and a catalyst for institutional change. In highlighting possible pitfalls in the system, I hope that this research might inspire other young advocates and activist like myself to work towards the goal of reform. We must bring to the attention of those in charge and those with power to failings of the system so as to make sure that they are as effective and equitable as possible. Especially the ICC with such an important role and mandate, we must make sure that it is living up to its lofty promise.

Background

In 1998, the Rome Statute created the International Criminal Court (ICC), the first court ever to be granted international jurisdiction. It brings together 123 member states under the same international laws and tries individuals for crimes of war, genocide, and aggression and crimes against humanity. The mandate of the court is not to replace domestic courts but compliment them in the enforcement of justice. In the 22 years since the court has been active, it has convicted 10 individuals in the 31 cases that it has tried. While some like Kofi Annan and Desmond Tutu herald the creation of the ICC as a “gift of hope to future generations” (Annan 1998), and claim that without it, violence would reign with impunity (Tutu 2013), others are more skeptical as to the legitimacy and the efficacy of the ICC. Some argue the existence of an “African Bias” within the ICC as most of the cases that were heard by the court focused on African countries (Rowe 2021). Others claim Western hegemony over the ICC with its ties to the UN Security Council and its power of referral (Allo 2018). Within the ICC’s mandate to ensure “lasting respect for and the enforcement of international justice”, I am interested in examining whether the ICC is an effective institution and whether its pursuit of justice is as objective and unbiased as it claims it to be?

Methodology

I am mainly going to be using qualitative methods to conduct my research. Before the official research period begins, I plan on developing a framework with the help of my research advisor that I will be able to apply to the court cases to effectively analyze bias and legitimacy. This framework will only be applicable to the individual cases, but also to the workings of the court as a whole in order to render a verdict on the efficacy of the court in punishing crime. As of right now, I am anticipating that this framework will be looking at evidence presented and verdict rendered and then situating the case in the global and historical context around which it was tried.

The second part of my research is going to consist mainly of a literature review of existing news opinion pieces as well as academic articles. For this part, I am going to be operating under the assumption that if the general public deems the ICC to be an effective and legitimate institution, then they will be less likely to commit crimes against international law. As Patrick Devlin says “laws that appear arbitrary forfeit respect” and this is the general assumption I am going to be using for this part of the project. Because of limitations on what I am realistically able to do, this will be a general analysis. I will not be able to tackle the power of the ICC over the individual and thus will have to rely on general public opinion to hypothesize over the actions of the individual.

For my research, I am going to be pulling my resources from the ICC publicly available court data base as well as news sources and academic journals (see *Resources and Support Needed* section).

Training/ Certifications Needed

N/A

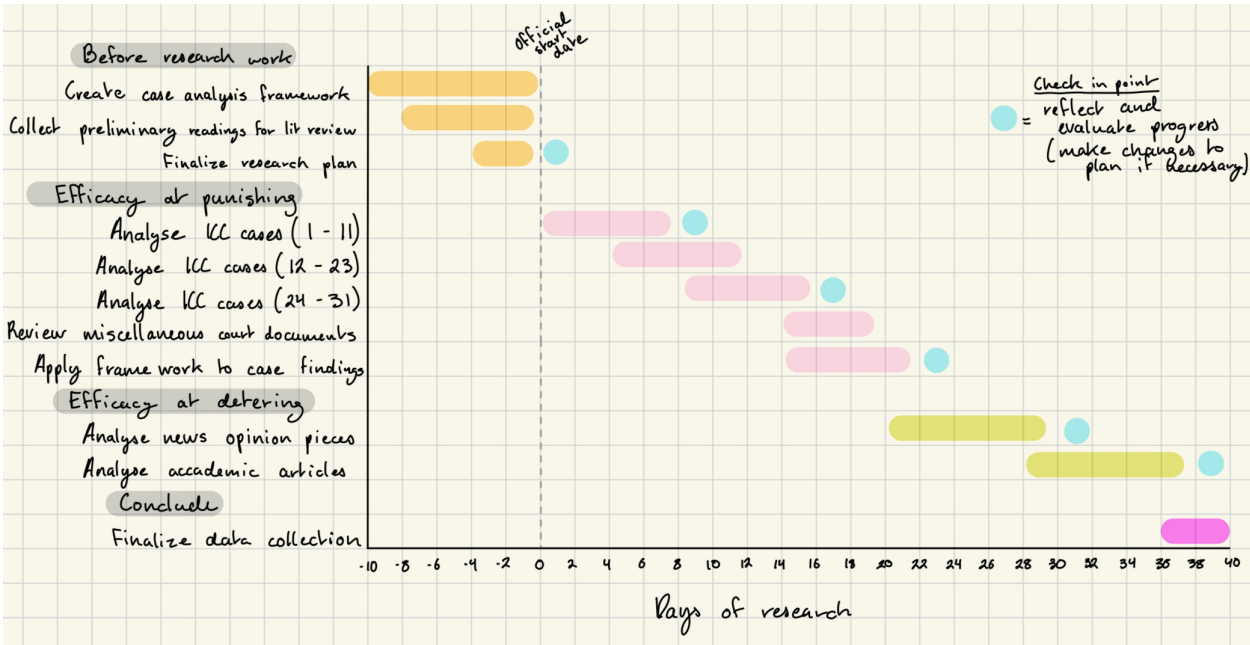
Research Location

I will be completing my research within Canada.

Research Ethics Board

N/A

Timeline



Resources & Support Needed

For the first part of my research, I will be pulling my resources mainly from the publicly available ICC court data base. Within this database, I will be looking at the cases, the applied court law and other court documents that I find relevant to my research. For the second part of my research, I am going to broaden my scope and look through news sources for opinion pieces as well as academic articles on the working of the ICC. Throughout this, I am also going to be referring to sources my research advisor has agree to provide me as references for the direction of my research. All of the resources I will be using are publicly available or available to me through the University of Toronto or temporary memberships to news sources (CBC, The Economist, The New York Times...).

Potential Impact

I believe that my research, especially in the global climate we find ourselves in today, is incredibly germane. I hope that in such times, it might have a very insightful impact on the narrative surrounding the ICC as well as similar international institutions. I hope that it might offer insight into the efficacy of the international legal system and potentially serve as a reference point for reform. I hope to contribute a critical analysis to the field of international law to make sure that our institutions are as effective as possible. My research could also, depending on the outcome, be more broadly applied to have an impact on recommendations geared towards improving the juridical system internationally.

Budget

Research Expenses	Estimated Costs		
	Month 1 (2 weeks June 17th - June 30th)	Month 2 (4 weeks July 1st - July 28th)	Total for 6 weeks of research
Core Expenses			
Lab expenses (if applicable)			
Literature, Books required for research			
Supplies for research experience (temporary memberships to news sources) ***see screenshots on the side for example***	\$50	\$100	\$150
Other costs (please list)			
Housing (please list all costs per month)			
Residence/Rent (where you will be carrying out research)	\$699	\$1,399	\$2,098
Facilities (electricity, gas, water, etc.)	\$40	\$80	\$120
Other costs in Toronto, if applicable - please list specifics (TTC, buses, gas for car)	\$20	\$40	\$60
Other costs outside of Toronto, if applicable - please list specifics			
Transportation within Canada (Research)			
Local transportation to the airport			
Local transportation from the airport to your final destination			
Other local transportation cost (Within Canada)			
Insurance			
Mandatory supplementary health insurance			
Mandatory health coverage at host institution or country (if applicable)			
Additional coverage (travel insurance, etc.)			
Renter's insurance	\$17.50	\$35	\$52.50
Any additional expenses - please list specifics			
Internet	\$25	\$50	\$75
Food	\$250	\$500	\$750
TOTAL			\$3,306

* This is a guide, but please add in any additional information/expenses not listed, especially as it pertains to your research project.
Please add in all travel expenses along with other miscellaneous information to the next sheet

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Also attached elsewhere

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