ACCOUNTABILITY OF INTERNATIONAL TERRITORIAL ADMINISTRATIONS: *A PUBLIC LAW APPROACH*

VERANTWOORDINGSPLICHT BIJ INTERNATIONAAL BESTUUR VAN GEBIEDEN: *EEN PUBLIEKRECHTELIJKE INVALSHOEK*

Stellingen behorende bij het proefschrift van
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1. The conceptual dichotomy between states and international organizations persists as a core obstacle to the establishment of a viable accountability regime and accompanying accountability mechanisms in situations of international territorial administration.

2. The exercise of public power has the potential to affect individuals and communities irrespective of the nature of the entity entitled to exercise this power; to the extent that there are acknowledged legal standards which regulate the exercise of public power, these standards should be applied, *mutatis mutandis*, to all such entities.

3. The potentially adverse effects of international territorial administrations on (groups of) individuals and other possibly affected entities render it legally untenable and morally unacceptable for international territorial administrations to continue to enjoy comprehensive immunities, the scope of which is conceived through a strict 'international organizations-mindset'.

4. Comparative law methodology provides tools for addressing the fragmentation of public power, which increasingly renders the boundaries between the international and local legal orders irrelevant.

5. International territorial administrations, as witnessed in the case of UNMIK, UNTAET or the Office of the High Representative, are man-made legal constructs which pertain to aims beyond the maintenance of peace alone; when it comes to assuring the accountability of international administrations, it should be kept in mind that encountered legal hurdles are likewise man-made rather than impervious.

6. Social sciences, sociology and psychology in particular, teach us that "people often see themselves in terms of whichever one of their allegiances is most under attack" (Amin Maalouf (2000), *On Identity*, London: The Harvill Press, p. 22); politicians should embrace this truism.

7. In situations where extraterritorial effect of treaty-based human rights obligations is acknowledged, a rigid interpretation of the 'exhaustion of local remedies-rule' is a looming impediment to the justiciability of these obligations.

8. The 2011 events in some Arab countries, but also in Wisconsin, pointedly illustrate how public space is reclaimed by people in reaction to the abuse of public power which often occurs under the pretext of (economic) emergency.

9. 'Lessons learned'-units of international organisations should heed to Fareed Zakaria's argument that "the lesson of Rome's fall is that, for the rule of law to endure, you need more than the good intentions of the rulers, for they may change (both the intentions and the rulers)…[y]ou need institutions within society whose strength is independent of the state" (Fareed Zakaria (2004), *The Future of Freedom*, New York: W.W. Norton and Company Inc., p. 33).

10. Furthering the various achievements of international criminal law – which include the compilation of a historical fact record and the development of international law – should not distract international criminal tribunals from pursuing their primary legal aim: the establishment of individual criminal responsibility.

11. Aaron Sorkin's series *The West Wing* is unparalleled in 'bringing back the funny' to (international) law and politics and depicting the unavoidable interplay between the two.