

STELLINGEN

behorende bij het proefschrift

Inclusionary Governance for International Institutions: Ensuring Accountability towards Individuals

van Marjolein Schaap

1. An accountability framework should be informed by how public power is exercised and the impact that a decision has on affected individuals, not by the actor exercising public power – be it a state or an international institution.
2. The public law approach provides a language, and a lens to the accountability problem of international institutions. Specifically, it argues that public law principles should inform, mold and constrain the exercise of public power by public authorities that make decisions affecting individuals.
3. The Inclusionary Governance Model for international institutions demonstrates that the accountability of international institutions towards individuals affected by their decisions can only be realized when there are constraints in place on the exercise of public power, combined with procedural arrangements to ensure the inclusion of those affected.
4. Ensuring the accountability of an international institution is a continuous process, and one which is constantly influenced by internal and external factors. The dynamic Inclusionary Governance Model allows one to map this process, and to assess strengths and weaknesses in the institutional design of international institutions and the exercise of public power on their part.
5. Discretionary powers accorded to international institutions should not be seen as a black box without parameters. First of all, there is a substantive limitation of non-arbitrariness. Secondly, the concept of vulnerability influences the extent to which institutions enjoy discretion in the standard setting and implementation of standards.

6. Engaging in model-building enables legal researchers to develop analytical frameworks better suited to answer complex contemporary legal problems.
7. With international law increasingly developing in a fragmented manner, with multiple partially overlapping legal regimes and the involvement of a plurality of actors, any analytical framework addressing global governance needs to be dynamic, and incorporating the multilevel and multi-actor nature of governance.
8. A non-critical use of the concept of vulnerability to address all wrongs and inequalities is to the detriment of the general level of protection in human rights.
9. Legal scholars should not be afraid to be explicit about the methods employed in their research. Only through an explicit discussion of the methods employed, the research conducted can be properly verified, applied, and reviewed.
10. International institutions can play an essential role in realizing the accountability of public authorities by giving a voice to those particularly vulnerable in a society and in guarding that their rights are taken into account when public authorities exercise public powers.
11. Stand by your choices in life, for instance, on how to combine motherhood with your ambitions and professional career. Even when the standard academic format does not work for you, build your own path, create your village of people for support.