

Book Review

KERSTIN BREE CARLSON, *THE JUSTICE LABORATORY: INTERNATIONAL LAW IN AFRICA*, USA, BROOKINGS INSTITUTION, 2022, 178 pp.

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Kerstin Bree Carlson's "The Justice Laboratory: International Law in Africa" provides a profound exploration of Sub-Saharan Africa as a significant case study in the realm of international criminal law (ICL). At the heart of Carlson's study is how international law has been utilised and its effectiveness in addressing and mitigating political violence in African nations.

The International Criminal Court was established with the Rome Statute, significantly supported by African countries, with twenty African nations among the early ratifiers. However, the ICC's focus on prosecuting primarily conflicts in African countries has led to perceptions of bias and accusations of neocolonialism. Carlson explores these perceptions through the principles of complementarity and sovereign immunity. The principle of complementarity allows the ICC to intervene only when national jurisdictions are unable or unwilling to prosecute crimes, which has been a source of contention. African leaders argue that the ICC's focus on Africa reflects systemic bias and criticize its refusal to recognize sovereign immunity for state representatives. A critical incident Carlson examines is South Africa's failure to arrest Sudan's President Omar al-Bashir despite an ICC warrant, highlighting the tension between international obligations and national interests. This event fueled the African Union's push for an African Criminal Court, which rejects sovereign immunity and challenges the ICC's jurisdiction, reflecting broader discontent with the ICC's operations and a desire for a more Africa-centric approach to justice.

Carlson discusses Rwanda's rejection of liberal institutions post-genocide, emphasizing the challenges of imposing Western legal models on African contexts. While Rwanda, under President Kagame, achieved significant socio-economic progress, Carlson critiques the

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dismissal of liberal institutions and argues for a one-size-fits-all approach. She fails highlight the need for tailored approaches that respect the unique socio-political landscapes of individual African nations, underscoring the importance of considering local contexts in governance and justice systems.

Furthermore, Carlson examines hybrid justice through the *Chambres Africaines Extraordinaires* (CAE) and the Habré tribunal. The CAE, established in Senegal to try atrocities under Hissène Habré's rule in Chad, integrates international legal standards with local procedures. Carlson discusses universal jurisdiction, which allows states to prosecute certain crimes regardless of location. The Habré trial illustrates both the potential and challenges of local judicial systems in addressing state-sponsored atrocities. While the CAE operated smoothly, its impact on Chad's political landscape was limited, highlighting the complex interplay between justice and political realities.

Carlson's analysis extends to the broader concept of transitional justice in conflict-affected regions like South Sudan. She supports the dominant trial-focused approaches advocated by international bodies, arguing instead for more nuanced political solutions. Carlson fails to suggest that mechanisms like truth commissions and power-sharing arrangements may offer more sustainable paths to peace in ethnically diverse societies. The author's viewpoint largely revolves around legalistic framework and fails to advocate for a comprehensive approach to resolving conflicts, akin to consociational democracy as observed in Bosnia and Herzegovina and Iraq.

The East African Court of Justice (EACJ) is another focal point of Carlson's study. Originally established as a trade court to foster economic integration, the EACJ has evolved into a significant human rights adjudicator. Carlson traces its journey and highlights key cases that have expanded its jurisdiction to include human rights issues. The EACJ's accessibility, without the burden of exhausting local remedies, sets it apart from other regional human rights courts and empowers individuals and NGOs to seek justice more swiftly. This transformation underscores the dynamic nature of regional legal institutions and their growing importance in protecting human rights.

Carlson also explores the emerging African Court of Justice and Human Rights, known as the Malabo Court. This court represents a bold step towards establishing a regional alternative to the ICC, with provisions that address some of the criticisms directed at the ICC. Notably, the Malabo Court grants immunity to sitting heads of state, a contentious provision aimed at overcoming resistance to international justice within Africa. Carlson examines the implications of this provision and the broader impact of international criminal justice on the continent. She highlights the proactive role African countries are playing in expanding humanitarian norms, as exemplified by the Gambia's use of the Genocide Convention to bring Myanmar before the International Court of Justice in 2019.

Throughout the book, Carlson's analysis is supported by a wealth of evidence, including detailed case studies, legal documents, and interviews with key stakeholders. Her thorough research provides a solid foundation for her arguments and offers readers a comprehensive

understanding of the issues at hand. The evidence presented is convincing, highlighting both the successes and limitations of international law in Africa.

However, the book is not without its criticisms. Carlson's Western liberal bias is evident in parts, particularly in her analysis of Rwanda. This bias occasionally overshadows the complex geopolitical realities and the unique paths to recovery and development that African nations are navigating. Additionally, the language and depth of analysis may pose challenges for readers unfamiliar with legal and political terminology.

Despite these criticisms, "The Justice Laboratory: International Law in Africa" is an essential read for scholars, practitioners, and policymakers interested in the intersection of law, human rights, and international relations in Africa. Carlson's work offers valuable insights into the continent's significant role in reshaping global legal norms and provides a nuanced perspective on the challenges and opportunities in implementing international criminal justice. Her research and analyses make this book a noteworthy contribution to the field, shedding light on the dynamic and evolving landscape of international law in Africa.