

BOOK REVIEW

Peter Brett and Line Engbo Gissel. *Africa and the Backlash Against International Courts*. London: Zed Books, 2020. 288 pp. \$26.95. Paper. ISBN: 9781786992970.

This book makes a significant contribution to the fields of African studies, international law, and international relations by examining the often-perplexing relationship between African States and transnational courts. It frames this dynamic as a product of an extraversion strategy, marked by backlash when domestic governments perceive their legitimacy as being threatened. In the introductory chapter, two goals are identified: One, addressing the imbalanced scholarly concentration on Africa's engagement with the International Criminal Court (ICC) to deepen understanding of the continent's interaction with "all international courts" (2). Two, "improve upon existing explanations" on the relationship (2). The author pursues these aims, employing interpretive methods to understand the actions and justifications of political leaders.

Chapter One begins with an explanation for the proliferation of international courts in Africa. It is seen as "the product of strategies of extraversion" (22). A tactic involving state elites pursuing and maintaining dependence relations with more powerful actors to secure their support. The author argued that this approach influenced Africa's backing of the ICC, the World Trade Organization Appellate Body, the African Court on Human and Peoples' Rights, and various subregional courts.

Chapter Two further examines the relationship between Africa and the ICC through exploring how African states have justified backlash against the court by invoking norms such as sovereign equality in international relations and judicial independence, while also critiquing how these principles have been applied in the court's engagement with Africa. The African backlash has involved "exposing politicisation by the Court, non-cooperation and withdrawal threats" (47). African proposals to reform the current conception of international criminal justice, involving the ICC, have included conferring international criminal jurisdiction on regional courts and proposing amendments to ICC policies and the Rome Statute.

Chapter Three analyses the curtailment of the Southern African Development Community Tribunal (the Tribunal). It is argued that the Tribunal was established through extraversion strategies, and backlash against it and similar regional courts has followed rulings undermining states' "primary legitimations" such as land issues in Southern Africa (57). The argument is illustrated with the 2008 Campbell decision involving Zimbabwe, which threatened "regional norms of legitimate statehood" concerning land rights (77). The verdict triggered a successful backlash enabling political action curtailing private access to the Tribunal, its ability to intervene in domestic issues, and changes to international investment agreements.

Chapter Four delves into West Africa's relationship with regional courts. Using examples from various West African countries, it is reasoned that the region's support for the Economic Community of West African States Community Court of Justice (ECCJ) comprises a similar extraversion strategy. This position is justified via rulings being "violated in principle as well as in practice when international image management has allowed it" (100, 101). In other situations, international law and relevant human rights arguments become means through which conflicts are pursued. The ECCJ's limited success is largely attributed to its strategic stance, which attempts not to intervene in undermining regimes' domestic claims to legality and adeptly enduring backlash when it does. It is concluded that the court's authority "hangs in the balance" (114).

Chapter Five discusses East African regionalism and its relationship with the East African Court of Justice (EACJ). It begins by tracing the rise, fall, and resurgence of the East African Community (EAC), arguing that the EACJ was established as part of an extraversion strategy aimed at aligning with donor preferences. Kenya led a successful backlash against the EACJ after it issued a verdict "threatening regime security" in the country, reflecting a broader pattern of East African governments resisting "judicial interference" (127). This backlash prompted EAC member states to reassert control over the EACJ by restricting access for political opponents and other private actors. The continued existence of the reformed EACJ is attributed to lessons learned from the earlier collapse of the EAC, the verdict resulting in an impetus for institutional reform, and the prospect of a future economic partnership with the European Union.

The concluding chapter underscores the argument that states tend to initiate backlash when their legitimation strategies are challenged, particularly when they can mobilize support at regional or continental levels. In the African context, such backlash against international courts is often justified using local conceptions of legitimate authority, sometimes entailing the principle of sovereign equality. Rooted in Africa's historical exclusion from international society, sovereign equality remains a foundational norm in African international relations. Importantly, Africa's resistance to international courts should not be considered a rejection of international law itself; rather, it reflects a commitment to international law, with resistance typically articulated through international legal principles such as sovereign equality.

The book offers valuable and insightful contributions, but it is not without limitations. One notable shortcoming is the absence of material on North Africa's relationship with international courts. While the authors provide perceptive analyses of Eastern, Southern, and Western Africa, including Northern Africa, could have offered a more comprehensive understanding of the continent's engagement with these institutions. Additionally, the central analytical concept of "legitimation" could have been more clearly defined and consistently applied throughout the text. Despite these gaps, the book remains a distinctive and significant contribution to the study of Africa's interaction with transnational courts.

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