

BOOK REVIEW

Oumar Ba. *States of Justice: The Politics of the International Criminal Court*. Cambridge: Cambridge University Press, 2020. 204 pp. Bibliography. Index. \$28.99. Paper. ISBN: 978-1108738835.

In *States of Justice*, Oumar Ba takes states considered to be from the periphery onto the center stage of the International Criminal Court's (ICC's) political dynamics. The major takeaway from this book is that international justice is inherently political; while the ICC has lived in denial of this reality from its inception and claims that it is a non-political body whose sole aim is to interpret and apply the Rome statute, Ba's empirical analysis of ICC's activities show otherwise. Even though it is said that Europe provides the funds, while Africa provides the suspects, Ba demonstrates how African states exercise political agency, even if for less than noble purposes, to use the ICC as an instrument of politics. They trade their sovereignty in exchange for the prosecution of their political adversaries, while the ICC utilizes its engagement with African states to gain the state's cooperation and global political legitimacy in the process. Here, the ICC does justice that is *sufficient enough* to procure compliance from agents of the state.

Though previous scholars have argued that African states have become the sacrificial lamb on the altar of ICC's Western liberal hegemony, Ba contends that it is a win-win for both parties as they engage in a subtle quid pro quo relationship where justice is *hijacked* in favor of agents of the state, and against threats from warlords, political opponents, and moral enemies that the state wishes to eliminate. What is noteworthy is not that the ICC is a reflection of great power politics, but that these weaker states that do not wield much power in the international system are leveraging their powers, however modest, to exert control over the ICC. Though not its primary focus, Ba indirectly illustrates the changing power dynamics, not just with respect to international criminal justice, but within the international system as a whole, providing insights about how non-Western power dynamics is gaining momentum and might reshape the global order.

Ba identifies four themes through which African states and the ICC engage in this win-win power dynamics and a struggle for influence. He ushers us into the world of the strategic use of self-referrals to the ICC where states outsource justice to the ICC instead of addressing atrocity crimes through their own domestic judicial mechanisms. We are introduced into this curious twist of the original intention of Article 14 of the Rome statute, which was initially intended to be used by states to refer other states to the Court, but has been ingeniously utilized by small states to refer themselves to the ICC. He elaborates on the limits

of state compliance with international courts where, for instance, the response of states shifts from compliance to resistance when the agent of the state becomes the target of the ICC as we observe in the case of Omar al-Bashir of Sudan. Other themes include the complementarity between national and international justice systems; and the case of Kenya and Côte d'Ivoire depicting the use of international courts in domestic political conflict. What is also instructive is how the behavior of states oscillates from compliance to noncompliance depending on the referral mechanism that is triggered. We observe a stark difference in the behavior of Sudan when the agent of the state is targeted by the ICC via a United Nations Security Council (UNSC) referral; when compared to Uganda's seemingly compliant response, the ICC's intervention in Sudan is met with resistance, noncompliance, and in some instances, outright violence.

The book is organized into seven chapters with Chapter One addressing the major themes and theoretical framework and Chapter Two providing an in-depth analysis of the theoretical arguments. Chapters Three, Four, and Five provide extended case studies of the engagements of Uganda, Libya, and Kenya with the ICC, and how the trigger mechanism utilized by the ICC influences the response of these states. Chapter Six illustrates how the ICC might be said to have deferred to political calculations in the cases of Côte d'Ivoire, while Chapter Seven provides a summary and conclusion.

The evidence from Ba's account suggests that courts are not divorced from politics but have become the arena where political calculations take place and that not much shift has occurred in terms of changes in the normative beliefs of agents of African states. While the concept of individual criminal accountability has gained global traction, the norm or practice appears not to have cascaded enough to major parts of Africa to sustain the claim of a change in normative or ideological persuasion within the continent.

This book will be highly informative for scholars, foreign policy analysts and graduate students whose research interests lie in the intersection of international politics, international courts, and international criminal justice. Practitioners and policymakers in the international criminal justice sector, not to mention decision-makers at the International Criminal Court as well as diplomats, will find this book useful and relevant.

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