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Distant Justice

The Impact of the International Criminal Court on African Politics

There are a number of controversies surrounding the International Criminal Court (ICC) in Africa. Critics have charged it with neo-colonial meddling in African affairs, accusing it of undermining national sovereignty and domestic attempts to resolve armed conflict. Here, based on 650 interviews over eleven years, Phil Clark critically assesses the politics of the ICC in Uganda and the Democratic Republic of Congo, focusing on the Court's multi-level impact on national politics and the lives of everyday citizens. He explores the ICC's effects on peace negotiations, national elections, domestic judicial reform, amnesty processes, combatant demobilisation and community-level accountability and reconciliation. Clark also reveals that, in attempting to distance itself from African conflict zones geographically, philosophically and procedurally, the ICC has become more politicised and damaging to African polities. This necessitates a substantial rethink of the ideas and approaches that underpin the ICC's practice of distant justice.

PHIL CLARK is a Reader in Comparative and International Politics at SOAS, University of London. He specialises in conflict and post-conflict issues in Africa, including transitional justice, peacebuilding and reconciliation. He is also a senior research fellow at the School of Leadership at the University of Johannesburg. Previously, Dr Clark was the co-founder and convenor of Oxford Transitional Justice Research and established the Research, Policy and Higher Education programme at the Aegis Trust Rwanda. His articles have featured in the *Guardian*, the *New York Times*, the BBC and CNN websites, *Foreign Affairs*, *Times Higher Education Supplement*, *Prospect*, *Dissent*, *The East African*, the *Australian* and the Huffington Post. His last book was *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge, 2010). He holds a doctorate in Politics from the University of Oxford, where he studied as a Rhodes Scholar.

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PHIL CLARK
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lymphoma in 2009. I regret that he never got to see this published, not least because he spent a decade inquiring with increasing exasperation, 'So have you finished it yet?' All the while, my mum Miriam, my brothers, Dan, Dave and Steve, and sister-in-law Bek have responded to Dad's death with characteristic grace and have been a constant source of love and strength.

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Abbreviations

ABA/ROLI	American Bar Association/Rule of Law Initiative
ADF	Allied Defence Forces
AFDL	Alliance des Forces Démocratiques pour la Libération du Congo/Zaire
AI	Amnesty International
ARLPI	Acholi Religious Leaders Peace Initiative
ASP	Assembly of States Parties
AU	African Union
BBC	British Broadcasting Corporation
CAR	Central African Republic
CNDP	Congrès National pour la Défense du Peuple
CoR	Council of Representatives
CPA	Comprehensive Peace Agreement
DDR	disarmament, demobilisation and reintegration
DRC	Democratic Republic of Congo
ECOWAS	Economic Community of West African States
EC	European Commission
EU	European Union
FARDC	Forces Armées de la République Démocratique du Congo
FDC	Forum for Democratic Change
FDLR	Forces Démocratiques de Libération du Rwanda
FIB	Force Intervention Brigade
FIDH	Fédération Internationale des Ligues des Droits de l'Homme
FN	Forces Nouvelles
FNI	Front des Nationalistes et Intégrationnistes

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GNC	General National Congress
HRW	Human Rights Watch
IBA	International Bar Association
ICC	International Criminal Court
ICD	International Crimes Division
ICJ	International Court of Justice
ICTJ	International Center for Transitional Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	internally displaced person
IHRLG	International Human Rights Law Group
ILP	initiatives locales de paix
IRC	International Rescue Committee
IS	Islamic State
IWPR	Institute for War and Peace Reporting
JCCD	Jurisdiction, Complementarity and Cooperation Division
JLOS	Justice, Law and Order Sector
JRP	Justice and Reconciliation Project
KKA	Ker Kwaro Acholi
LC	Local Council
LRA	Lord's Resistance Army
M23	March 23 Movement
MLC	Mouvement pour la Libération du Congo
MoD	Ministry of Defence
MONUC	Mission de l'Organisation des Nations Unies en République Démocratique du Congo
MONUSCO	Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo
MSF	Médecins sans Frontières
NATO	North Atlantic Treaty Organisation
NGO	non-governmental organisation
NRC	Norwegian Refugee Council

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NRM	National Resistance Movement
NTC	National Transitional Council
NUPI	Northern Ugandan Peace Initiative
ODM	Orange Democratic Movement
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSISA	Open Society Initiative for Southern Africa
OSJI	Open Society Justice Initiative
OTJR	Oxford Transitional Justice Research
OTP	Office of the Prosecutor
PC	Presidential Council
PDA	People's Democratic Army
PNU	Party of National Unity
PPRD	Parti du Peuple pour la Reconstruction et la Démocratie
PTC	Pre-Trial Chamber
PUSIC	Parti pour l'Unité et la Sauvegarde de l'Intégrité du Congo
R2P	responsibility to protect
RC	Resistance Council
RCD	Rassemblement Congolais pour la Démocratie
RCN	Réseau des Citoyens-Citizens' Network
REJUSCO	Restoration of Justice in the East of the DRC
RHA	Réseau Haki na Amani
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
SPLM/A	Sudan People's Liberation Movement/Army
SSR	security sector reform
TFV	Trust Fund for Victims
TJRC	Truth, Justice and Reconciliation Commission
TJWG	Transitional Justice Working Group
TRC	Truth and Reconciliation Commission
UK	United Kingdom
UN	United Nations
UNICEF	United Nations Children's Fund

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UPC	Union des Patriotes Congolais
UPDA	Uganda People's Democratic Army
UPDF	Uganda People's Defence Force
US	United States
WNBF	West Nile Bank Front

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Map of Key ICC-Related Locations in Central Africa

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