

THE ICC, JUDICIAL GOVERNANCE AND TRENDS OF JUSTICE

Why do Africans develop the feeling that the ICC is against them? Is it a paranoia complex or a well-grounded suspicion that the ICC plays a role that is not theirs? Is there much reason to challenge the international jurisdiction of the ICC over national legislation? The question is definitely a topical and burning one. A priori, obviously, subservience of national legislations jealous of their prerogatives to an ICC that gives the impression of being a charging machine against African clients rather than European ones, is more complicated than it seems. In this way the recent nature of international criminal law is neither opposable to the sharp controversy it arouses nor to the patent injustices and dysfunctions it engenders. But why not question the ways of the ICC and the foreseeable consequences of their dramatic interventions in the light of the latest addition to global judicial governance, the case of Sudan, Kenya, Ivory Coast, RD Congo, etc. (...).

Obviously we do not seek to divide the races, cultures and religions or ethnic groups in the world, because the cradle of mankind does not have this function, on the contrary! But we want to legitimately redefine our negative and disadvantageous relationship with the very world that has confined us to the rank of eternal losers, which we cannot accept, indeed. This is why our current mobilization to rehabilitate Africa aims at emancipating ourselves from any form of alienation and domination by foreign powers. But at the same time, while freeing ourselves, we shall give to the world the extra soul which is lacking.

In total, the ICC, as an expression of international criminal law, should be overhauled if not reformed. Because, at bottom, positive law that governs international relations remains fundamentally European in its origin, its inspiration and expectations, that is to say, Judeo-Christian ones, with all the consequences that flow from this observation, within a globalized world where every area of civilization and culture claims a legitimate right to influence democratically and consensually the way the world and international relations work. One of the roots of what could be called «Evil judicial governance» of the World certainly lies in the inconsistency which consists in having imposed a specific legal and judicial tradition, so localized and limited, to the detriment of a synthesis and / or a combination of traditions of all civilizations and all cultures.

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