The EU and its member states must take steps to avoid all of these risks. This will require concerted engagement; EU enlargement policy cannot be driven by member-state capitals alone, prone as they are to bickering and bilateral disputes with applicants – as shown by Croatia's recent, last-minute request to block Bosnian dairy exports to the EU. Rather, EU institutions – the Commission and delegations in Balkan capitals – need to be empowered again and need to return to the helm of the policy, working as drivers of the process and honest brokers between the EU and its Balkan candidates.

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A Tale of Three Leaders: The Struggle over Justice in Africa

Ole Frahm

The International Criminal Court's increasingly frail clout calls into question the future of international justice in Africa.

The recent story of international justice in Africa is one about travel, and about flights in and out of Pretoria, Nairobi and Dakar. It is a story about three planes and three heads of state – two sitting, one standing in court – who are, or have been, sought for genocide and crimes against humanity. More importantly, it is a story of justice postponed, justice averted and – just possibly – justice approached.

The first plane left Pretoria on the morning of 15 June carrying Sudanese President Omar Al-Bashir back to Khartoum from the twenty-fifth African Union (AU) summit in Johannesburg. He was able to board the plane in spite of an order from a South African court banning him from leaving the country. Bashir, who seized power in a 1989 coup and was re-elected in internationally criticised polls in April to serve yet another term, has been sought by the International Criminal Court (ICC) since 2009 for allegedly perpetrating genocide in Darfur. Yet South Africa's government – which in 2000 was one of the first to ratify the ICC's founding treaty, the Rome Statute – not only decided to ignore the outstanding arrest warrant but ten days after Bashir's departure publicly disavowed the Court and threatened to withdraw from it altogether.

The US is not a party to the ICC

South Africa's announcement came on the heels of a series of public statements by African politicians decrying the ICC as a neo-colonial instrument that targets the African continent but turns a blind eye to wrongdoers in countries like Russia or China – or, indeed, to those in the West. Whereas in some corners of Africa there had once been some support for the case against Bashir, whose indirect warfare in Darfur could be construed as a racist struggle against black Africans, the scales tipped against the ICC when it went after Kenya's Uhuru Kenyatta. Indeed, only months after Kenyatta ascended to the presidency in 2013, the AU passed a resolution stating that it would not extradite any sitting presidents to The Hague.

The second plane, Air Force One, touched down in Nairobi on 24 July. While news coverage of Barack Obama's visit revolved around the US president's return to his ancestral homeland, the trip was also a pivotal moment for international justice. Like Bashir, Kenyatta had been indicted by the ICC – specifically, for inciting ethnic violence that cost an estimated 1,400 lives following fraudulent elections in 2007. After the case was closed before ever going to trial in 2014, the US president's visit marked Kenyatta's unofficial readmission into the realm of international respectability. Crucially, however, the case collapsed not for want of evidence as such, but due to a lack of co-operation by Kenyan authorities with the Court and the presumptive intimidation of witnesses.

US President Barack Obama is greeted by Kenyan President Uhuru Kenyatta as the first sitting US president to visit Kenya. *Courtesy of AP Photo/Evan Vucci.*

If nothing else, Obama's handshake thus dealt a blow to the ICC's increasingly frail clout in Africa. The US is not a party to the ICC, and has signed multiple bilateral treaties with developing countries ensuring that no American citizen can be extradited to The Hague. Yet Washington's line on international tribunals is, at the same time, more nuanced. In the face of the bloody civil war that has raged in South Sudan since December 2013, Secretary of State John Kerry – incidentally on a trip to Kenya in May – proposed a hybrid tribunal to try those responsible and even offered to set aside $5 million to pay for it. Such a hybrid tribunal, combining national and international law as well as personnel, may actually be more palatable to many African states, which leads us to the boarding of the third plane.

The third plane left Chad's capital, N'Djamena, in late 1990, nearly twenty-five years ago, and landed in Dakar. Surely dejected at losing power in a coup, former Chadian dictator Hissène Habré – going by the record of exiled former African heads of state – could nonetheless at least have reasonably expected to spend the rest of his years in exile in Senegal in undisturbed comfort. In Chad, meanwhile, a national commission of inquiry uncovered thousands of cases of torture and disappearances during Habré's rule from 1982–90, but in the intervening years neither he nor anybody else was held to account. This July, however, after decades of legal wrangling and political obstruction, Habré finally stood trial at the specially convened Extraordinary African Chambers in Dakar. As Habré refused to accept the court's legality or to seek legal representation, the court appointed three Senegalese lawyers to defend him and adjourned the case until September. The Habré trial, the first under universal jurisdiction in Africa, makes an excellent case for international justice on the continent, while also showing the huge impediments judicial and political institutions still have to face to achieve a satisfactory solution to grave human-rights abuses.

Habré refused to accept the court's legality

Clearly, without international pressure and without the painstaking work of national and international bodies like Amnesty International, Human Rights Watch and many others to collect testimonies and document crimes, Habré's fate could have been that of former Ugandan President Idi Amin, who spent the last two-and-a-half decades of his life until his death in 2003 growing morbidly obese in a villa in Saudi Arabia without ever facing up to his crimes. Moreover, in the wake of Habré's arrest in 2013, a number of former members of his regime who had remained in influential positions were themselves arrested, with twenty high-ranking officials handed long sentences by a Chadian court this March. Hence, on many levels, this is a positive sign and a visible warning that a safe pensioner's existence is not assured for yesterday's human-rights abusers.

The African Court on Human and Peoples' Rights is still years away from being operational

On the other hand, there is also the question of fairness and equal treatment before the law. Idriss Déby, Chad's current president who toppled Habré in 1990, is exempt from prosecution despite having sat at the very heart of Habré's government as minister of defence. To many, this reeks of victors' justice. The main reason Côte d'Ivoire's former President Laurent Gbagbo will be led to the dock in The Hague later this year, many argue similarly, is that he lost a civil war to his rival Alassane Ouattara, while the latter and his troops walk free. Liberia's former warlord-president, Charles Taylor, who was sentenced to fifty years for his part in Sierra Leone's civil war, presumably nods in agreement. The lesson to be drawn for dictators like Bashir may indeed be that realism reigns supreme and that the only way to avoid trial is to die in office, clinging to power by any means necessary. In Burundi, Pierre Nkurunziza was certainly taking note as he crushed demonstrations to win a third term in office in July.

Bringing former and sitting presidents to justice is only a small part of ensuring accountability for past atrocities, however. The struggle against impunity and for the rule of law are closely linked to the law's universal application both at the top and lower down. Alas, the key question is not just what kind of law to apply and whom to apply it to – but also who is in charge of meting out justice. Hybrid courts, as favoured by Kerry and others, may be an easier sell than the 'Western' ICC, but at the end of the day face many of

the same challenges as the Court in The Hague after which they are modelled.

Moreover, to date, when national institutions are unable to cope, no alternative to the ICC or international tribunals has been shown to work. Rwanda's Gacaca courts – reinvented traditionalist village courts created to try the backlog of cases related to the 1994 genocide – are hardly a model to be emulated elsewhere; in the absence of professional lawyers and judges, the courts have been rife with corruption and personal score-settling. Meanwhile, the AU's own court, the African Court on Human and Peoples' Rights, based in Arusha, is still years away from being operational. Still, the AU has made sure to pre-emptively declare sitting presidents immune from prosecution by the Court. What is more, in certain circumstances, alternatives to centralised national solutions may actually be detrimental to the rule of law.

Defying the ICC's call to send him to The Hague, in July a court in conflict-riven Tripoli sentenced Saif Al-Islam Qaddafi, one of the late Libyan dictator's surviving sons, to death by hanging. Hanging a notorious representative of a notorious regime may bring satisfaction to some who suffered under the regime. But in many a case it is a punch in the face for the other vital objective of transitional justice: that of reconciliation. Saddam Hussein was hanged in a Baghdad prison in 2006 but the country today is on the verge of dissolution, and something similar can be said about present-day Libya. Tunisia's Truth and Dignity Commission and the nascent Truth and Reconciliation Commission in Mali, however ineffectual they may appear, are proof that decision-makers in many societies deem juridical justice in and of itself insufficient in a post-conflict setting.

There is certainly the need and scope for international involvement in transitional justice in Africa where national institutions are unable to cope. The cries of neo-imperialism and anti-African bias will certainly ring out, and to many will ring true as long as the ICC's case selection remains as slanted towards the African continent as it is today. But stone-cold realism will only be shifted incrementally; it will take time for 'softer' values like the rule of law and accountability to actually matter to those in power and transition processes are more likely to be a matter of decades than months or years. Yet despite the impediments to be overcome, and the backlash in some quarters, it might be hoped that today's human-rights abusers will not sleep as tightly as Amin – the Butcher of Uganda – once did. One day, when things turn sour, they will perhaps not be so sure that their plane will find a safe refuge in which to land.

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Boko Haram and Nigeria's Female Bombers

Elizabeth Pearson

A reconfiguration of Boko Haram's ideology underpins the group's use of female suicide bombers to achieve its broader goals.

Last June, the Nigerian Islamist insurgent group Boko Haram adopted a new tactic in its fight to establish an Islamic state across the country's northeast: that of female suicide bombing. Since then, Boko Haram has established the female bomber as an important weapon in its arsenal, in four distinct waves of attacks. The first took place in the spring/summer of 2014; the second from November 2014 to this March, encompassing attacks in Niger; the third in the wake of the election of Muhammadu Buhari in May; with a current wave taking place from July including the extension of female suicide bombings into Cameroon. Although Boko Haram leader Abubakar Shekau has claimed only one of these attacks – during the first wave, in Lagos – the tactic is now a trademark of the movement. Ninety female bombers have killed over 500 people in just sixteen months and injured over 700 more. This figure