Sarah MH Nouwen


The Rome Statute of the International Criminal Court (Rome Statute) embodies the principle of complementarity which accords States primacy of investigating and prosecuting international crimes, serious violations of human rights, within the jurisdiction of the International Criminal Court (ICC). Thus, complementarity relegates the ICC to a court of last resort. In view of the academic effort devoted to the great importance of the principle of complementarity under the Rome Statute, there is no clear definition of this principle thus creating avenues for numerous expectations of this principle.

In testing this great expectation Nouwen asks several key questions. Does complementarity have a catalysing effect? What has been catalysed? Why? What effects were expected but not catalysed? Why not? What went wrong? In an attempt to provide answers to these issues, Nouwen, investigates the story behind the catalysing effect of complementarity in Uganda and Sudan. In doing so, the author examines obstacles inhibiting effective application of this principle in enhancing domestic investigations and prosecutions of crimes within the jurisdiction of the ICC as well as on domestic judicial reforms in Uganda and Sudan.

In terms of structure, the book is divided into six chapters, Nouwen begins by conceptualising the principle of complementarity as ‘living a double life’; first as a legal concept which is a ‘technical admissibility rule’ or a ‘priority rule’ provided for under the Rome Statute to determine when the ICC is seized with jurisdiction. Second, as a ‘big idea’ espoused by several actors like diplomats, writers, activists and legal practitioners, which extend the meaning of complementarity beyond the provisions of the Rome Statute to encompass responsibilities and obligations of the State.

To provide a clear understanding of the principle of complementarity, Nouwen examines provisions of the Rome Statute that embodies this principle in chapter two of this book. This legal meaning is assessed in two aspects; one is substantive complementarity which discusses the content of complementarity in section 17 of the Rome Statute and secondly, procedural

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complementarity which entails procedures involved in determining complementarity. In doing this, Nouwen examines some of the ways through which the catalysing effect of complementarity is realised in enhancing domestic proceedings.

Basing on the legal meaning of complementarity as an admissibility rule or priority rule, Nouwen criticises three popular assumptions made about the catalysing effect of complementarity; first, that states have the obligation to investigate or prosecute; second, that the Rome Statute requires states to incorporate crimes embedded in it into domestic law; and third, that the Rome Statute prohibits amnesties. All these assumptions are not supported by any provision in the Rome Statute imposing such legal obligations though according to Nouwen, as ‘participants in other treaties’, States could treat this as a ‘political expectation on them’.

Noting the limited catalysing effect of the legal concept of complementarity on domestic proceedings, Nouwen argues that complementarity as a ‘big idea’ has had more catalysing effect though it is inconsistently applied by various actors to suit their agendas. This position is elucidated in two case studies Nouwen investigated. In the case study of Uganda in chapter three of the book, Nouwen asserts that the ‘marriage of convenience between’ the ICC and Uganda resulted into self-referrals to the ICC instead of catalysing domestic proceedings owing to mutual benefit of the two parties.

As a result of ICC intervention in the northern Uganda, Nouwen cites several effects catalysed by complementarity as a big idea including; promotion of local justice mechanisms, stimulating the transitional justice debate, engaging the role of law in the conflict whereby legal framework (domesticating legislation) and institutions (for instance the International Crimes Division) were created for handling international crimes emerging from this conflict as well as discouraging amnesties.

However, as Nouwen argues, these developments were not necessarily as a result of the acceptability of the norms advocated by ‘norm entrepreneurs’ but because of the ‘political economy of the entrepreneurship’ whereby, these developments were shaped by financial and other incentives accruing from embracing such norms. Notably, Nouwen identifies the ‘cost-benefit assessment’ as the primary driving factor for promoting international criminal

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3 Ibid, 36–42.
4 Ibid, 40.
5 Ibid, 110.
6 Ibid, 113–120.
7 Ibid, 141.