

Abstract

This thesis uses the Critical theory to explore the history and functioning of African Court on Human and Peoples' Rights. This judicial institution was established in 1998. However, it did not rule any decision on the merits until 2013. All cases had been refused because it lacked the jurisdiction. Finally in 2013, two judgments were issued that solved the factual situation of applicants. Nevertheless, the danger still exists that the Court will function only if the states will allow it to do so. Such inactivity of the Court is firmly inconsistent with the intensity of human rights violations on the African continent. In the same way, it falsifies the presuppositions of liberal institutionalism that the international institutions should strengthen cooperation between states and contribute to the development of mutually interconnected areas: economic development, democracy and human rights protection.

The thesis is an empirical case study which opposes the liberal-institutional ideas. It uses the Critical theory in narrow sense to show that those ideas played certain role in the establishment of the Court. Nonetheless, the real willingness of the states to empower the Court with authority and limit their sovereignty was absent. The Court, as a procedural enlargement of substantive human rights protection, should thus only increase the legitimacy of the states and serve as a ticket to the club of "civilized nations". By the deliberate adoption of the Court, the dynamics of orientalism has been reversed. As a result, the Court becomes a copy without actual original; it is the simulacra in international relations.