

The Effectiveness of the International Criminal Court (ICC)

Background

After a month adhering to the treaty, Malaysia announced withdrawal from the Rome Statute of the ICC. The Prime Minister Tun Dr Mahathir Mohamad said that the government “was forced” to withdraw due to the political pressure and confusion among the rulers. The government decision face backlash from human rights’ activists as they are confused with the flip-flop by the government that had tarnished its reputation and its commitment to combat international crimes for global peace and security.

The Rome Statute of the International Criminal Code (ICC) was established in year 2002. The ICC is specifically tasked with investigating of genocide, war crimes, crimes against humanity, and aggressions. It began work in 2002 and today, the Rome Statute has 116 states parties.

Despite its noble objectives, there are serious challenges facing by the International Criminal Court (ICC) which leads to the questioning on its effectiveness. The three of the hindrances are that:-

- The ICC has been accused of only targeting on African continent. All the current cases before the ICC are only from Africa, despite the clear atrocities occurring all around the world. This sends a message to the smaller states that since they are weaker the ICC will only come after them.
- ICC has no enforcement mechanism against the state parties who refuse to cooperate with the court.
- The ICC does not have its own police force and thus relies heavily on state cooperation. States are responsible to aid ICC investigations and without their cooperation the ICC is toothless.

Talking points

- The royalties in Malaysia uphold the peace and prosperity of the country and they are doing a balance between the interest of Malay and non-Malay in Malaysia. With ICC, the people of Malaysia have another avenue to ICC, besides the royalties.
- Recently, the issues of ratifying to ICC induce a sense of confusion to the people in Malaysia due to its overlapping roles with the Malaysia royalties. Hence, it is important to understand the purpose and effectiveness of ICC, if Malaysia ratify on it. The ICC will only applicable if only there are ethnic riots on the minority in Malaysia, other than that the status of sovereignty will not be challenged.
- ICC only operates after the killing, torture, and ethnic cleansing has taken place. In this regard, the international criminal justice system is not to be regarded as an alternative to armed conflict, it is merely a mechanism by which those who violate fundamental norms relating to the rights of individuals and groups are brought to judicial account.
- Instead of amplifying the U-turn decision of Malaysia to join ICC, the question is whether the ICC would be able to meet the expectations of the international community. Based on the mentioned hindrances, the effectiveness of ICC is questionable. The ideal of complete wars cessation and an end to violations of human rights throughout the world are unlikely in today.
- Ratification is simply the first process of a long battle to stop human rights abuse around the world, the second and most important step is the state's policing and enforcement of the treaties that they ratify.

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