



KAMARAJ IAS ACADEMY
Only IAS Academy by Grandson of "Perunthalaivar Kamarajar"

? International Criminal Court Faces Growing Withdrawals and U.S. Pressure, Raising Questions over Global Criminal Accountability

Published On: 15-09-2026

Recent Developments:

- The **International Criminal Court (ICC)** is facing renewed institutional pressure as **Venezuela, Chad, Burkina Faso, Mali and Niger** have announced steps towards withdrawal from the Rome Statute, although the legal process of withdrawal takes time. The developments have raised concerns about weakening international accountability.
- In July 2026, **U.S. Secretary of State Marco Rubio** announced a government-wide campaign to counter what Washington describes as an unacceptable threat posed by the ICC to U.S. sovereignty. The United States has also expanded sanctions against ICC officials.
- **Burkina Faso, Mali and Niger**, governed by military regimes, have criticised the ICC over alleged selective justice and perceived Western or neo-colonial influence, while **Chad** has specifically pointed to U.S. diplomatic pressure.
- Despite these withdrawals, the ICC continues to receive support from some states. **Ukraine became the 125th State Party in January 2025**, demonstrating that the institution continues to be viewed by some governments as an important accountability mechanism.

International Criminal Court: Background:

Establishment and Mandate:

- The **International Criminal Court** is a permanent international criminal tribunal established by the **Rome Statute of 1998**, which entered into force on **1 July 2002**.
- Its headquarters are located in **The Hague, Netherlands**, and it prosecutes individuals rather than states for the most serious international crimes.
- The ICC has jurisdiction over four core crimes: **genocide, crimes against humanity, war crimes and the crime of aggression**.
- The Court represents the principle that individuals, including senior political and military leaders, may be held personally responsible for grave violations of international law.

Principle of Complementarity:

- **Complementarity** is a foundational principle of the ICC, under which national courts retain primary responsibility for investigating and prosecuting crimes.
- The ICC generally becomes relevant when a state is **unwilling or genuinely unable** to conduct appropriate national proceedings.
- This principle attempts to balance **national sovereignty** with the need to prevent impunity for serious international crimes.

Dependence on State Cooperation:

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

- The ICC does not possess an independent police force and therefore depends heavily on **state cooperation** for arrests, evidence collection, witness protection and enforcement of judicial decisions.
- This structural limitation makes the Court particularly vulnerable when governments refuse to cooperate or powerful states oppose its investigations.

Present Crisis Facing the ICC:

Growing U.S. Pressure:

- The United States has never become a State Party to the Rome Statute and has historically raised concerns about the Court's potential jurisdiction over U.S. nationals.
- In July 2026, Secretary of State **Marco Rubio** announced a campaign aimed at weakening the ICC's ability to operate, investigate U.S. personnel and officials, and challenge American sovereignty.
- Washington has also used **sanctions, visa restrictions and diplomatic pressure** against ICC personnel and has encouraged countries dependent on U.S. assistance to reconsider their relationship with the Court.
- In August 2026, the United States additionally designated **ICC President Tomoko Akane and Senior Trial Lawyer Abdoulaye Seye** under its sanctions regime.

Withdrawal of States:

- **Burkina Faso, Mali and Niger** have moved towards withdrawal while criticising the ICC's record and its perceived treatment of African states.
- **Chad** initiated its withdrawal process in July 2026 and became the fifth country in the recent wave of departures or withdrawal announcements.
- **Venezuela** has also initiated withdrawal proceedings amid longstanding criticism of international scrutiny of its domestic situation. The Assembly of States Parties has expressed concern that such withdrawals could weaken collective efforts against impunity.
- These developments are significant because the ICC's legitimacy depends not only on its legal framework but also on sustained **political support and cooperation from States Parties**.

Key Legal Principle: Withdrawal Does Not Erase Earlier Obligations:

Article 127 and Continuing Jurisdiction:

- Withdrawal from the Rome Statute does not automatically erase obligations or legal consequences arising during the period when a state was a party.
- The **Assembly of States Parties** has specifically recalled that withdrawal does not relieve states of obligations arising while they remained parties to the Statute.
- This principle is important for understanding ICC investigations involving states that subsequently withdraw because withdrawal cannot simply be used as a mechanism to eliminate all accountability for earlier conduct.

Philippines and Rodrigo Duterte:

- The **Philippines withdrew from the Rome Statute effective 17 March 2019**, but the ICC's investigation concerns alleged crimes committed between **1 November 2011 and 16 March 2019**, when the Philippines was still a State Party.
- In March 2025, former Philippine President **Rodrigo Duterte** was surrendered to the ICC after his arrest by Philippine authorities pursuant to an ICC warrant.
- The ICC proceedings concern alleged **crimes against humanity**, illustrating how withdrawal does not necessarily extinguish jurisdiction over conduct falling within the Court's jurisdiction before withdrawal.

Venezuela:

- The ICC's investigation into the situation in Venezuela was authorised to resume in **2023** after judicial proceedings concerning Venezuela's request to defer the investigation to domestic authorities.
- The Appeals Chamber confirmed the resumption of the investigation in 2024, demonstrating the importance of the complementarity framework in assessing whether domestic proceedings are sufficient.

Why the Crisis Matters for International Relations:

Sovereignty versus International Accountability:

- The present crisis highlights a fundamental tension between **state sovereignty** and the principle of **individual international criminal responsibility**.
- States may regard external judicial scrutiny as interference in domestic affairs, while international institutions argue that sovereignty cannot provide immunity for genocide, war crimes or crimes against humanity.
- The controversy therefore reflects a broader debate over the limits of sovereignty in a rules-based international order.

Selectivity and Legitimacy:

- The ICC has faced longstanding criticism that its early investigations disproportionately focused on **African situations**.
- Although the Court's contemporary docket has become geographically broader, allegations of selective enforcement continue to affect its political legitimacy.
- The criticism creates a challenge for the ICC because **legal impartiality must also be accompanied by perceived institutional fairness**.

Enforcement Deficit:

- The ICC can issue arrest warrants but generally depends on states to execute them.
- Consequently, the effectiveness of an international criminal tribunal is closely connected with **political cooperation, diplomatic legitimacy and domestic enforcement capacity**.
- Powerful states that refuse cooperation can therefore expose the gap between formal international law and practical enforcement.

ICC and Ukraine: Continuing Relevance:

Ukraine's Membership:

- Ukraine deposited its instrument of ratification of the Rome Statute on **25 October 2024**, and the Statute entered into force for Ukraine on **1 January 2025**.
- Before becoming a State Party, Ukraine had already accepted ICC jurisdiction through **Article 12(3)** declarations covering alleged crimes committed on its territory.
- Ukraine's accession demonstrates that states facing grave security crises may view the ICC as a mechanism for strengthening accountability for international crimes

Contradictory Trend:

- The simultaneous withdrawal of several states and accession of Ukraine demonstrate two opposing trends: **institutional disengagement by some governments and renewed reliance on international justice by others**.
- This contradiction suggests that the ICC's future will depend on whether States Parties can preserve its independence while addressing legitimate concerns regarding consistency, accountability and institutional reform.

Major Challenges Before the ICC:

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

Institutional and Political Challenges:

- **Dependence on state cooperation**, particularly for arrests and evidence collection, limits enforcement.
- **Non-universal membership** restricts the Court's reach and creates jurisdictional complexities.
- **Opposition from powerful non-member states** can generate diplomatic and financial pressure.
- **Allegations of selective justice** can weaken legitimacy among states and affected populations.
- **Resource and institutional constraints** can slow investigations and judicial proceedings.
- **Political polarisation** may increasingly affect international support for the Court.

Way Forward:

Strengthening International Criminal Justice:

- The ICC should apply **consistent and transparent legal standards** irrespective of the political status, nationality or geographical location of suspects.
- States Parties should strengthen cooperation on **arrests, evidence sharing, witness protection and domestic implementation** of Rome Statute obligations.
- The Assembly of States Parties should provide stronger institutional mechanisms for addressing concerns raised by member states without compromising judicial independence.
- Greater **transparency in prosecutorial and administrative decision-making** can improve public confidence and reduce allegations of politicisation.
- Domestic judicial systems should be strengthened so that the principle of **complementarity** functions effectively rather than leaving the ICC as the only realistic avenue for accountability.
- Broader ratification and implementation of the Rome Statute can improve the universality of international criminal law.

India and the ICC: UPSC Relevance:

India's Position:

- **India is not a State Party to the Rome Statute** and has historically expressed concerns regarding the ICC's jurisdiction, definition of certain crimes, and relationship with national sovereignty.
- India's approach reflects the broader tension between supporting international accountability and protecting **sovereign decision-making and jurisdiction of domestic courts**.
- For UPSC, the ICC should therefore be studied in connection with **international law, sovereignty, human rights, multilateralism, global governance and reform of international institutions**.

Value Addition for UPSC:

Key Concepts:

- **Rome Statute:** Foundational treaty establishing the ICC.
- **Complementarity:** ICC intervenes when national jurisdictions are unwilling or unable to genuinely prosecute serious crimes.
- **Four Core Crimes:** Genocide, crimes against humanity, war crimes and crime of aggression.
- **Article 12(3):** Allows a non-State Party to accept ICC jurisdiction through a declaration.
- **Article 127:** Governs withdrawal from the Rome Statute and preserves relevant legal obligations.
- **State Cooperation:** Essential for arrests, evidence, investigations and enforcement.
- **Sovereignty–Accountability Tension:** Central normative issue underlying debates over the ICC.

UPSC Mains Linkage:

- The ICC illustrates the evolution from **state-centric international law towards individual accountability for mass atrocities**.

Kamaraj IAS Academy

Plot A P.127, AF block, 6 th street, 11th Main Rd, Shanthi Colony, Anna Nagar, Chennai, Tamil Nadu 600040

Phone: **044 4353 9988 / 98403 94477 / Whatsapp : 09710729833**

- Its current crisis demonstrates that the effectiveness of international institutions depends not only on legal authority but also on **political legitimacy, state cooperation and institutional credibility**.
- The future of international criminal justice therefore requires a balance between **sovereignty, universality, impartiality and accountability**.