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AN UNJUST INTERNATIONAL COURT

Today, the United Nations hopes to give the long arm of the law international reach through the creation of an International Criminal Court (ICC). The international body is widely expected to marshal the support of the 60 nations required to ratify the court. But like other international entities, its ambitious sphere of jurisdiction will likely be obstructed by its bureaucratic girth and by the conflicting whims of member nations.

And this is a danger, because a court that can only deliver selective justice could weaken, rather than fortify, the administration of law around the world. The court is set up in such a way that it is very unlikely to investigate crimes unless it has specifically been requested by the U.N. Security Council to do so. The five permanent members of the council - the United States, Russia, Britain, France and China - will, therefore, bear considerable clout. Also, because Russia and China engage in massive violations of human rights, the court could be particularly impotent in the areas where it needs authority.

The ICC is supposed to be an international arbiter of justice. But interestingly, the court does not want to wade in on internationally hot-button issues, and won't consider either crimes of "aggression" or terrorism, because these are purportedly too difficult to define. If the court won't weigh in on these matters, it can hardly have much global relevance. If a handicapped international court is upheld as an ideal, attitudes toward law will become apathetic and cynical.

But there is a more pragmatic and pressing point. Even if the court were institutionally capable of administering blind justice the world over, there is the thorny question of how this justice would then be executed. In cases where an international court has been effective, most significantly in Nuremberg and the Yugoslav tribunals, the trials followed a military victory. How can the court's rulings be expected to have relevance in the absence of this kind of military triumph? Is the international community prepared to launch a military offensive each time the court detects a transgression?

These shortcomings are pressing enough to turn the ICC, which looks good on paper, into a paper tiger. Instead of creating a permanent court, the international community should consider streamlining the process of ad hoc tribunals when they are needed.

In the end, there are no shortcuts to justice. The only way the international community can truly work for justice is to methodically help nations bolster the rule of law in their countries. This task promises to be as laborious as it sounds, and it can't be launched with the fanfare of an international court. Still, justice will only be built country by country.