

Will Africa Make The ICC Irrelevant?

by Lawrence K. Freeman

Dec. 1—It would be poetic justice if the African Union (AU) were to put the International Criminal Court (ICC) to its long-overdue death. There is a growing sentiment among African nations that the ICC is no longer a legitimate institution, and should be put out of existence. Several African leaders have charged the ICC with racism and modern Western imperialism, pointing to the fact that in its 11 years of existence, all of its eight cases have dealt with African countries. There are some in Kenya, who believe that the ICC is being used as a tool to destabilize their country, by having President Uhuru Kenyatta as the first sitting head of state to stand trial at The Hague.

With the ongoing ICC trial of Kenya's Deputy President William Ruto, and the upcoming trial of the President, a new level of discord has arisen between Africa and the ICC and the United Nations Security Council (UNSC).

On Nov. 15, the UNSC voted down a resolution drafted by Rwanda on behalf of the AU, which represents 54 African countries, to issue a one year deferral of the trial of President Kenyatta and Deputy President Ruto. Such a deferral is permitted under Article 16 of the Rome Treaty that created the ICC. It did not go unnoticed that Russia and China were among the seven countries that voted in favor of the deferral. But the United States, France, Britain, Australia, Luxembourg, Guatemala, and South Korea *all abstained*, thus depriving the AU of the nine votes—a 2/3 majority of the 15 member UNSC—needed to delay President Kenyatta's trial.

The U.S. itself has refused to ratify the Rome Statute and is thus not a member of the ICC, precisely be-

cause of the fear of infringement on U.S. sovereignty. Following the defeat of the AU resolution, the ambassadors of Ethiopia, Kenya, and Gabon, speaking to the press at the UN, clearly indicated that this vote would fundamentally change the relations of Africa to the Security Council.

Africa's Watershed Moment

Amb. Tekeda Alemu, representing the UN Mission of Ethiopia, which is also the country currently chairing the AU, told the press that the vote was "a moral victory for Africa," and "a manifestation of the lack of trust in Africa, and [that] we are very disappointed." He went on to say that it is unrealistic "that Africa will continue to accept this treatment on the basis of inequality. This event is a watershed, it is a landmark."

Amb. Macharia Kamau of the Kenya Mission to the UN spoke next, characterizing the vote as a "watershed event for African solidarity, which completely and utterly changes our terms of engagement with the

international community. Africa has come into its own, spoken with one voice, with great solidarity—at the end of it all, we are stronger." Speaking separately after the vote, Rwanda's UN Ambassador Eugene Gasana said: "Let it be written today in history that the Security Council failed Kenya and Africa on this issue."

The AU continued its offensive the following week, at the week-long gathering of the Assembly of State Parties (ASP) that constitutes the governing body of the ICC at The Hague. African nations make up 34 of the 122 state parties that ratified the treaty of the 1998 Rome Statute that led to the creation of the ICC in 2002. This time, the AU proposed that the Assembly amend its rules to defer or exempt heads of state from prosecution by the ICC. This would apply to Sudanese President Omar al-Bashir and the two Kenyan leaders.

Prior to their presentation on Nov. 21 to the ASP, there was an intense behind-the-scenes discussion by the African countries to consider suspending their memberships en masse, but not withdrawing from the ICC, if their proposed rule change were not acted on.



Ethiopian Amb. Tekeda Alemu (right).

On Nov. 25, the ASP agreed that President Kenyatta did not have to appear in person at his trial in The Hague, and will be permitted to participate via video link with the courtroom. Thus the body hoped to avoid a further confrontation, but did not act directly on the request to exempt heads of state from ICC trials. This decision may be acceptable to the AU, since a prominent part of its argument to the ICC and the UNSC was that the daily executive responsibilities and duties of the newly elected President of Kenya, especially following the September terrorist attack at the Wingate Mall in Nairobi, required him not to be absent from his office for extended periods of time.

While this decision at The Hague is meant to assuage the AU's opposition to the ICC by accommodating President Kenyatta, many political leaders from Kenya and other countries in the region have not given up their fervent desire to leave the ICC. If Kenya, which has legislation waiting for Kenyatta's signature to formally withdraw from the ICC, and/or a significant number of African nations decide to terminate their treaties with the ICC, that would lead to the end of this anti-sovereign, globalist court.

The Rule of Imperial Law

After the break-up of the Soviet Union, the City of London-based financial oligarchy, through its many assets, launched a campaign to establish a world court that could indict and remove leaders of sovereign governments, to further their financial-political control around the world, especially in resource-rich Africa. To this end, in the 1990s, the first efforts to establish the ICC and the complementary doctrine of the "responsibility to protect" (R2P) were initiated.

In April 1999, then-British Prime Minister Tony Blair delivered his "Manifesto" for the right for "humanitarian intervention" against sovereign nations to the Economic Club in Chicago, which justified military attacks against nations, whose leaders are targeted for regime change.

The ICC itself was a creation of drug kingpin and World War II Hungarian Nazi collaborator George Soros, and Lord Mark Malloch Brown, formerly of the British Foreign Office.¹ Through Soros's worldwide network of so-called humanitarian groups, and a coalition of over 100 non-governmental organizations, which

1. See "The ICC: British Imperial Tool," by an *EIR* Investigative Team, *EIR*, March 13, 2009.

still operate to shape the policies of the ASP and ICC today, the sovereignty of African nations is continually threatened. Unfortunately, these efforts are supported by several foolish high-profile African notables.

Lyndon LaRouche, in a memorandum on July 9, 2002, identified the essential underlying danger to the world posed by the creation of the ICC: "The thing to be feared more than either war or crimes against humanity, is the establishment of an imperial form of world rule of law, a form of law which, in practice, would condemn all mankind to the kind of horrors suffered under the Roman Empire, and the ensuing Dark Age which that Empire brought down upon Europe and neighboring regions. The creation of such an international court returns civilization to the ancient and feudal state of affairs, in which a head of a participating nation, or several such nations, is subject to the over-reaching control of an ultramontane, hence, imperial authority."

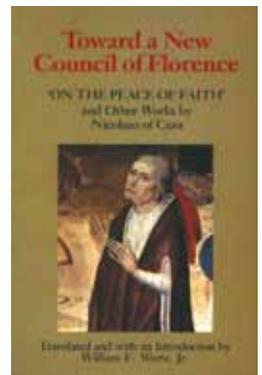
Although as of yet neither the AU, nor any African government has publicly demanded that the ICC be eliminated, Africa is becoming unified in its opposition, which can further discredit and weaken the ICC, hopefully, eventually, leading to its demise.

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