

# The International Criminal Court, Elite Theory, and African States Withdrawal Notifications: South Africa, The Gambia, and Burundi

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## Background:

The International Criminal Court's founding principles focus on the intention to end impunity for leading elites who commit crimes on an international scale. This unprecedented court prosecutes high-ranking government officials on the basis of four crimes: crimes of aggression, war crimes, crimes of genocide, and crimes against humanity. Of the 60 nations which ratified the Rome Statute, 34 were African states (over 50% of the member states). The high percentage of participating African states has put much of the focus on the African continent for the Court's proceedings, which is a large reason African countries are examined throughout this study.

## Methods:

In recent years, the Court has met backlash on its core purpose, meeting opposition from various members from the global south. African nations have fought against removing impunity norms for elites, which can be seen through the case studies of South Africa, The Gambia, and Burundi. This study will examine each country and how it connects to elite theory. Through a review of literature, popular theories such as development theory, democratic peace theory, and postcolonial theory are debunked as reasonings for African nations to withdraw from the Court (see table 1). An in-depth analysis of elite theory with a following case study of each country reveals the only true explanation for African withdrawal notices to the International Criminal Court is through attempts to uphold diplomatic immunity and protection of elites.

## Result and Conclusion:

Elite theory has consistently demonstrated itself to be the major theme present in the cases of South Africa, The Gambia, and Burundi. Whether it be South Africa's attempt to uphold diplomatic immunity for President al-Bashir of the Sudan, The Gambia's corrupt former president and his failed attempt for protection against ICC investigation, or the successful withdraw by Burundi to shield its leaders from prosecution for human rights violations. It is these actions which expose the true motivations behind African nations' opposition to the International Criminal Court and demonstrate the key role of elite theory in ICC withdrawal rates.

## Implications:

Understanding elite theory is imperative to the success of the ICC, as it helps to pinpoint what the Court should be focusing on to keep African nations as member states, such as working more closely with leaders to form better relationships or working to gain a larger presence in its member state's domestic spheres. It is important to keep the ICC running in Africa, as it sets new norms for leaders who wish to keep old, corrupt, and unethical regimes. The Court strives to correct countries that stray away from its democratic ideals through prosecuting the elites who are responsible for inhumane behaviors which fall under its four areas of jurisdiction. For the western world, the ICC supports and emphasizes its democratic practices for nations which have had limited experience with democratic governance, the rule of law and the protection of human rights. Due to this, examine the true reasoning for African state withdraws can be highly influential in how the Court addresses these problems in the future.