

Examining the Enforcement Mechanisms for State Cooperation with the International Criminal Court

Extended Abstract

Introduction: The International Criminal Court (ICC), as a supranational legal institution, heavily depends on state cooperation to perform its judicial functions, particularly in the investigation, prosecution, and enforcement of rulings related to international crimes. Despite the legal commitments of member states under the Rome Statute and obligations arising from UN Security Council referrals for non-member states, many states demonstrate a lack of effective and timely cooperation. This undermines the global fight against impunity and poses significant challenges to the credibility and functionality of international criminal justice.

Materials and methods: This study adopts a descriptive-analytical approach and is based on documentary and library sources. It conducts a content analysis of international legal documents including the Rome Statute, UN Security Council resolutions (particularly those related to Darfur and Libya), the decisions of the Assembly of States Parties, and relevant international treaties. Both primary and secondary sources, including scholarly works in Persian and English, are used to examine the legal obligations of member and non-member states and to assess the mechanisms and shortcomings of enforcement in state cooperation with the ICC.

Results: The findings reveal structural and political weaknesses in the ICC's enforcement framework. The Rome Statute only imposes obligations on state parties, leaving non-member states outside its direct legal reach unless compelled by UN Security Council resolutions under Chapter VII of the UN Charter. Even among member states, discrepancies between national legislation and the Rome Statute often hinder cooperation. Moreover, the lack of independent enforcement power, such as a police force, renders the ICC dependent on voluntary compliance. The Assembly of States Parties lacks coercive authority, and the Security Council's actions are often politicized and influenced by the veto power of permanent members, weakening accountability mechanisms.

Discussion and Conclusion: The ICC's effectiveness in delivering justice is closely linked to the political will and legal commitments of states. However, both member and non-member states have shown inadequate cooperation due to domestic legal incompatibilities, political considerations, and lack of enforceable obligations. While the Rome Statute and related UN resolutions provide a legal basis for cooperation, their implementation is often limited or ignored. To overcome these challenges, the study suggests harmonizing domestic laws with the Rome Statute, strengthening bilateral and multilateral cooperation agreements, minimizing political interference in Security Council decisions, and increasing international pressure through diplomatic and legal mechanisms. Ultimately, reinforcing the ICC's authority and ensuring comprehensive cooperation is vital to upholding international criminal justice and preventing future atrocities.

Keywords: International Criminal Court (ICC); State Cooperation; Enforcement Mechanisms; Rome Statute; Security Council; Non-compliance; International Criminal Justice