

EDITORIAL

THE INTERNATIONAL CRIMINAL COURT: *Early challenges*

This issue of African Security Review provides an in-depth analysis of the early challenges facing the International Criminal Court (ICC).

The ICC, which was formed just over two years ago, has started its first investigations in the DRC and Uganda. The cases have been referred to the court by the states and relate to crimes committed in these countries. The court is also considering a range of other cases.

The debate on whether the court should investigate crimes committed by UN peacekeepers continues to rage. Countries such as the United States are against the idea, but human rights organisations have become more vociferous in their call for UN peacekeepers to be held accountable. Anneke Van Woudenberg, a senior researcher with Human Rights Watch, who investigated the allegations on behalf of her organisation, says the UN is there for the protection of communities and it is particularly dangerous when protectors become violators. It is indeed disturbing that such allegations continue to surface despite the UN's zero tolerance policy on sexual exploitation and the abuse of community members by UN peacekeepers.

It is encouraging, however, that on 4 October 2004 the UN and the ICC signed an agreement that is intended to reinforce and institutionalise the relationship between the two institutions. It is hoped that this would enhance the UN's relationship with the court. Most importantly, the agreement is expected

to help resolve some of the issues relating to the accountability of UN peacekeepers.

In the features section of this issue of the African Security Review, we consider the work the ICC is currently grappling with. In broad terms, the articles attempt to respond to the following salient questions: What challenges is the ICC facing and how should the court deal with them? What is the role of the ICC in handling crimes committed by UN peacekeepers?

In their article 'Who guards the guards?: The International Criminal Court and serious crimes committed by United Nations peacekeepers in Africa', Max du Plessis and Stephen Pete discuss the extent of the atrocities committed by UN peacekeepers, as well as the question whether international criminal law and the newly established ICC may have a role to play in the effective prosecution of UN peacekeepers.

In 'The International Criminal Court: Investigations into crimes committed in the DRC and Uganda. What is next?' Hakan Friman gives an update of recent developments regarding the court and points out some challenges, including the operations of the court vis-à-vis other peace efforts.

Angola has suffered from one of the longest-running conflicts in Africa, and in 'A case study of Angola: International human rights protection in situations of conflict and post-conflict' Andrea Lari and Rob Kevlihan consider the effectiveness of attempts by the Angolan government, the UN and non-governmental organisations to protect human

rights in Angola from early 1998 to date, during and in the immediate aftermath of the recent conflict.

I hope that this issue will make a contribution to the debate that seeks to strengthen the ICC in order to enable it to deal with future

challenges, particularly in relation to the accountability of UN peacekeepers in their important role of safeguarding world peace.

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