

# Trump's attack on the ICC is really an attack on the ru...

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The [Financial Times has reported](#) that during discussions with Xi Jinping, Donald Trump suggested that the US, China and Russia should effectively collaborate against the International Criminal Court (ICC). As the paper put it:

*During his summit with Xi, Trump also suggested that the US, China and Russia should join forces to combat the ICC, saying their interests were aligned, according to the people familiar with the talks.*

The same report noted that the Trump administration has described the ICC as engaging in “politicisation”, “abuse of power”, “disregard for US national sovereignty” and “illegitimate judicial over-reach”.

Whether or not Trump actually intended these comments to become public is almost beside the point. What matters is what they reveal about the worldview now shaping much of global politics. The hostility here is not simply towards one court. It is towards the idea that there should be laws capable of constraining power, whether exercised by politicians, states, corporations or military alliances.

The ICC exists because the world, after the Second World War, came to recognise that some crimes are so serious that they cannot be left to the discretion of individual governments to investigate or ignore as they please. Genocide, crimes against humanity and war crimes were all recognised as offences against humanity itself. The principle established was that there must be standards that transcend national interests or jurisdiction, or those with sufficient military or political power would always exempt themselves from accountability.

That, of course, is precisely what authoritarian politics cannot tolerate. The authoritarian instinct always demands freedom from restraint. It always claims exceptionalism. It always insists that some people, or some states, are entitled to act outside the rules that constrain everyone else.

What Trump appears to be suggesting is, therefore, revealing. He is effectively

identifying a common cause among three nuclear superpowers on the basis that they should resist international legal oversight.

In other words, he does not think that what they should have in common is their interest in or commitment to democracy, human rights or peace. It is, instead, their leadership's immunity from scrutiny. That matters because it exposes the increasingly open rejection of international law by political movements that now see legal accountability as a threat to national power rather than as a necessary condition for civilised international relations.

This is, however, about much more than foreign policy. The attack on institutions like the ICC mirrors a much wider assault on accountability taking place in many countries, and most especially in the USA under Trump, where courts are criticised whenever they challenge executive authority, civil servants are denounced when they refuse to bend the rules for political convenience, and journalists are being framed as enemies. Meanwhile, universities become suspect, independent regulators are undermined, and facts themselves become negotiable. The goal is always the same. It is to create a political environment in which power alone determines legitimacy. Law, evidence and institutional constraint are then portrayed as obstacles created by elites or conspiracies rather than as safeguards designed to protect society from arbitrary authority.

The irony is that those who now complain most loudly about “lawfare” are very often those most determined to weaponise political and economic power for their own ends. Trump’s complaint is not really that the law is being abused. His complaint is that legal standards might, on occasion, apply to the United States or to the authoritarian governments with whom he increasingly appears to identify. The issue is not one of principle. The issue is about exemption. He wishes to create a world in which the powerful answer only to themselves and the law does not apply, at least to them.

That said, of course, the ICC is not perfect. It can be selective in its prosecutions. There is considerable justification for criticism from countries that have long argued that international justice has been unevenly applied, especially when Western powers have themselves frequently escaped effective scrutiny for military actions that have caused immense suffering. But the answer to hypocrisy is not abandonment of the rule of law. It is the consistent application of it. The existence of imperfection does not invalidate the principle. If anything, it reinforces the need to strengthen institutions capable of acting independently of geopolitical interests.

What is at stake here is the future of the international order created after 1945. That order was always flawed and often hypocritical, but it at least rested upon the idea that there were shared rules intended to reduce the risk that brute force alone would determine outcomes. Once major powers openly reject that principle, the consequences are profound. Smaller countries become more vulnerable. Human rights become more precarious. International agreements become harder to sustain. Conflict becomes more likely because there is no accepted framework for accountability left to mediate

disputes.

There is an economic dimension to this as well. Stable societies and functioning economies depend upon trust in institutions and the predictable application of law. Markets themselves cannot function without enforceable rules, independent courts and some confidence that contracts, rights and obligations will be respected. Once arbitrary power replaces legal principle, insecurity follows. Investment becomes more speculative and risky, and so requires higher rates of return to justify. Political risk rises. Corruption flourishes. Wealth concentrates even more heavily amongst those already best placed to insulate themselves from instability. The attack on the rule of law is therefore never merely constitutional or diplomatic. It always has economic consequences because arbitrary power and democratic prosperity are fundamentally incompatible.

So this should not be dismissed as merely another outrageous Trump remark that will disappear beneath tomorrow's headlines. It is much more serious than that. It is a statement about the kind of world that parts of the global political right now wish to create. They want a world where major powers are unconstrained by law, where nationalism overrides accountability and where democratic institutions are weakened whenever they obstruct political authority.

History suggests that such projects do not end well. The twentieth century provided more than enough evidence of the consequences when states decide that power alone confers legitimacy. The lesson that was supposedly learned after 1945 was that no nation should place itself above the law. What Trump now appears to be proposing is precisely the opposite.