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#### INTERNATIONAL CRIMINAL COURT

### **4 nations that won't sign deal with U.S. risk aid loss**

Peru, Ecuador, Venezuela and Paraguay could forgo millions in U.S. aid if they refuse to sign an agreement granting U.S. citizens immunity from International Criminal Court.

BY PABLO BACHELET

**WASHINGTON** - The United States is upping the pressure on four Latin American countries to sign bilateral deals exempting U.S. citizens from International Criminal Court jurisdiction, or face losing millions in economic assistance.

Peru, Ecuador, Venezuela and Paraguay could be denied \$24.5 million in aid unless they sign the immunity agreements, a move likely to stoke Latin America's distrust toward the Bush administration, diplomats and analysts say.

The possible cuts are the result of President Bush last week signing an omnibus appropriations bill that contained the so-called Nethercutt amendment. The provision for the first time severs economic assistance -- not just military aid -- for countries that refuse to sign the immunity pacts.

Previously, the administration used the threat of withholding money to purchase military equipment and train officers in the United States as a tool to persuade nations to sign on the dotted line.

#### **FEAR OF PROSECUTION**

The Bush administration argues countries could use the International Criminal Court, based in The Hague, Netherlands, to prosecute U.S. citizens for political reasons. By signing, countries agree not to transfer U.S. citizens to the ICC without Washington's consent.

"The U.S., because of its global security commitments, is in a unique position in terms of exposure to what we're concerned about, these politically motivated prosecutions," said Jason Greer, spokesman for the State Department's Bureau of Political-Military Affairs.

Human rights groups say U.S. citizens are protected because the court can only take up a case if the country of the accused is unwilling or unable to do so.

The State Department says that so far 96 countries, including a dozen from Latin America, have agreed to the immunity deals, known as Article 98. Most of them are small, developing nations.

According to the Citizens for Global Solutions, a nonpartisan group that advocates multilateral engagement, the Nethercutt amendment may affect about 50 nations worldwide, which could lose \$2.5 billion under a specific category of aid known as the Economic Stability Fund -- a program designed to promote democracy and economic stability.

The fund money newly targeted by the Nethercutt amendment is used to finance all or parts of such high-profile programs as the Irish Peace Process and Bush's Middle East Partnership Initiative, intended to promote reforms in the Arab world.

Human rights groups have blasted the Nethercutt provision. Richard Dicker, with Human Rights Watch, said the United States is "bullying economically vulnerable states into signing unlawful contracts."

Latin America is by far from the hardest hit by the Nethercutt amendment -- Jordan alone could lose \$250 million. But in a region historically resentful of what it considers heavy handed U.S. interventions, the insistence on Article 98 could make it harder for Bush to pursue other items on his hemispheric agenda like promoting free trade and battling drugs.

"It is a tremendous irritant," said Michael Shifter, a Latin America expert with the Washington-based Inter-American Dialogue. "You are letting the relationship become hostage to a single issue."

Under the amendment promoted by Rep. George Nethercutt, R-Wash., Ecuador stands to lose \$13 million, Peru \$8 million, Paraguay \$3 million and Venezuela \$500,000.

Article 98 is also costing the Caribbean dearly. Barbados, St. Vincent and the Grenadines and Trinidad and Tobago could lose \$9 million in aid to improve border security and immigration and prepare for natural disasters.

Peru and Venezuela have already announced they will not sign the agreements. Paraguay and Ecuador have not formally stated their position, and appear to be bearing the brunt of U.S. pressures.

The U.S. ambassador to Ecuador, Kristie Kenney, last month publicly reminded the Quito government of the impending cuts in military aid. Last week the State Department dispatched envoys to Paraguay to discuss the matter in Asunción.

"The negotiations are ongoing," said Victor Bernal, a spokesman for the Paraguayan embassy in Washington, adding that the issue was "very delicate" and that Paraguay was also consulting with its neighbors on taking a common position.

The State Department does not say how much countries could lose in military assistance. According to a U.S. diplomat, Ecuador could walk away from \$7 million. Peru would lose about \$3 million, according to Citizens for Global Solutions.

## **SOME ARE EXEMPT**

Many Latin American nations fall outside the Nethercutt amendment net for now. Chile and Mexico, for instance, have not ratified the Rome Statute, the U.N. text that created the criminal court, and are therefore exempt from sanctions until they do. Critics of Article 98 say many countries may delay ratification due to U.S. pressure.

Countries that belong to the Millennium Challenge Account, a Bush initiative to help the world's poorest countries, are also exempt. They include Bolivia, Nicaragua and Honduras.

Brazil and Argentina have rejected Article 98 deals. But Brazil is not budgeted to receive stability funds this year, according to Citizens for Global Solutions, and Argentina is considered a major non-NATO ally and therefore could be exempted from possible military sanctions.

Human rights advocates and foreign countries find the U.S. position especially galling in the light of the prisoner abuse scandal in Abu Ghraib. But Greer said the United States moved swiftly to try those responsible for the abuse.