

The Nation
Op-Ed: Axing the ICC

By Ari Berman

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Outrageous details of Congress's bloated spending bill for next year keep surfacing. The latest: An amendment on page 219 that prevents \$2.5 billion in US foreign aid from reaching countries who have joined the International Criminal Court (ICC), but refused to specifically exempt US soldiers from the court's jurisdiction.

A host of US allies will now be deprived of critical aid: Jordan loses \$250 million in funds for economic growth and governance reform; Northern Ireland and Cyprus lose \$12 million and \$13.5 million for their respective peace processes; Ecuador, Paraguay, Peru and Venezuela sacrifice \$32.5 million to strengthen democracy and the rule of law; four Caribbean states lose \$9 million designed to impede the international drug trade; South Africa--which has already forfeited \$7.6 million--loses an additional \$1 million destined to combat counterfeiting; eight East African democracies, including Niger--the world's poorest Muslim country--lose \$11 million in counter-terrorism assistance. The list goes on.

The Bush Administration has approached the world's first international war crimes tribunal with hostility since its inception. After much browbeating, the Administration famously "unsigned" Bill Clinton's earlier agreement to join the ICC in 2002. Claiming US soldiers would be unfairly targeted, the new position put the US at odds with many of its key allies, including the entire EU. Tellingly, the three-sentence "unsigned" letter was penned by hawkish Under Secretary of State for Arms Control John Bolton. (Since its founding two years ago, the ICC has set up tribunals for crimes against humanity in Congo and Uganda while rejecting allegations against the US and UK in Iraq.)

Despite the ICC's numerous safeguards against unfair prosecutions, Congress has repeatedly passed anti-ICC legislation, extending a ban on military aid to all forms of foreign assistance for countries who don't follow Washington's directives. As of October 2004, the Administration had convinced 92 countries to sign bilateral agreements insulating US troops (only 80 of which were publicly announced). Fifty-seven countries refused to sign after claiming the concession violated international law and undercut the ICC's effectiveness.

The recent amendment to the spending bill, sponsored by Rep. George Nethercutt (R-WA), is the latest consequence of Washington's ineffective maneuvering. Most disturbingly, many of the countries now facing aid cuts are identified by the State Department as key strategic partners in the war of terror.

Bitter irony now passes for Bush Administration diplomacy.