

U.S. Accepts International Criminal Court
By Jess Bravin
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A senior Bush administration official said Friday that the U.S. now accepts the "reality" of the International Criminal Court, and that Washington would consider aiding the Hague tribunal in its investigation of atrocities in Sudan's Darfur region.

"The U.S. must acknowledge that the ICC enjoys a large body of international support, and that many countries will look to the ICC as the preferred mechanism" for punishing war crimes that individual countries can't or won't address, John Bellinger, the State Department's chief lawyer, told a conference in Chicago marking the 10th anniversary of the tribunal's founding treaty, the Rome Statute. More than 100 countries have ratified the treaty.

Although it reiterated longstanding U.S. concerns about the court, Mr. Bellinger's speech represented a rhetorical turnabout for an administration that came to power determined to hobble the movement for a permanent war crimes tribunal.

"This is a meaty piece of work," said Richard Dicker, international justice director for Human Rights Watch. "It's impossible to imagine such a statement four years ago."

Shortly before the court opened in 2002, the Bush administration "unsigned" the Rome Statute, which President Clinton had approved before leaving office. President Bush subsequently signed legislation authorizing military action, should the court arrest an American, and limiting U.S. dealings with the tribunal.

An architect of the White House's earlier policies dismissed Mr. Bellinger's remarks as "pabulum" from a State Department that is too solicitous of international institutions. "It would be a great speech in the first Clinton administration, and probably a great speech in the second Clinton administration," said John Bolton, the former ambassador to the United Nations who, as undersecretary of state, signed the letter repudiating Rome Statute.

"It reflects the yearning the Rice State Department has for acceptance" by academics and foreign intellectuals, Mr. Bolton said. "The fight resumes after Jan. 20," when a new administration takes office, he added.

All three senators running for president -- Republican John McCain and Democrats Hillary Clinton and Barack Obama -- have voiced reservations about the court, but said they would consider closer cooperation with it.

In 2002, both Arizona Sen. McCain and New York Sen. Clinton voted for the anti-court legislation. But Sen. McCain said in 2005 that "I want us in the ICC, but I'm not satisfied that there are enough safeguards," Reuters reported.

This year, Sen. Clinton said she would "reassess how we can best engage with this institution and hold the worst abusers of human rights to account," in a candidate questionnaire from the American Society of International Law.

Illinois Sen. Obama said much the same, adding, "I will consult thoroughly with our military commanders and also examine the track record of the court before reaching a decision on whether the United States should" join.

The Darfur investigation "is likely to do more than any other factor...to shape U.S. perceptions of the role and impact of the ICC," Mr. Bellinger said Friday. "We want to see the ICC's Darfur work succeed," and are "prepared to consider" providing assistance, he said.

The thaw between the Bush White House and the court began in 2005, when the U.S. refrained from vetoing a U.N. Security Council resolution referring Darfur atrocities to the court.

Mr. Bellinger said the U.S. wanted the court to "complement" the U.N. Security Council's agenda. That would ensure the court remains aligned with American interests, because the council can take no action without assent from its permanent members -- the U.S., Britain, China, France and Russia.

Mr. Bellinger said the U.S. would look to a diplomatic conference slated for 2010, which is expected to discuss definitions for the international crime of "aggression."

At the Nuremberg tribunal after World War II, the Allies prosecuted Nazi leaders for waging "wars of aggression." More recently, however, the U.S. has worried that a vague definition could be used as a pretext to prosecute American officials for military operations.

The International Criminal Court is intended as a court of last resort for genocide, war crimes and crimes against humanity, when national justice systems can't or won't take action. It has cases open in several countries, including the Central African Republic, Congo and Uganda, but has yet to conduct a trial.