

CARICOM DIFFERS WITH US POSITION ON INTERNATIONAL CRIMINAL COURT

BBC Monitoring International Reports
June 9, 2003

Port of Spain, Trinidad: The Caribbean Community (Caricom) is not supporting efforts to have United States citizens exempted from the jurisdiction of the International Criminal Court (ICC).

In a communique issued at the end of their 8-9 May meeting in St Vincent, Caribbean Foreign Ministers "welcomed" the inauguration of the ICC and the installation of the judges, including Karl Hudson-Phillips of Trinidad and Tobago.

The communique also made reference to the role played by the Caribbean, especially Port of Spain, in establishing the court and re-affirmed its commitment "to the preservation of the integrity and effective functioning of the Court in accordance with the Rome Statute". The statement came on the heels of a meeting, at Washington's request, between the ministers and the US Assistant Secretary of State for Arms Control Stephen Rademaker, to discuss "bilateral agreements designed to exempt US citizens from the jurisdiction of the ICC".

"Caricom had to reiterate its position concerning the solidity of the Caricom position as far as the court is concerned. We thought that having taken the initiative out there, it would not be proper to grant or waive participation to any particular country," said Trinidad and Tobago's Foreign Minister Knowlson Gift.

Washington has started a global campaign to negotiate bilateral agreements that would exempt US personnel from the court's jurisdiction, which includes prosecution of perpetrators of crime against humanity, genocide and war crimes.

Article 98 of the Rome Treaty imposes a general obligation on parties to cooperate fully with the court in its investigation and prosecution of crimes within the jurisdiction of the court.

The US, under then President Bill Clinton, signed the Rome statute in December 2000 but two months before the Rome Statute entered into force on 1 July 2002, it notified the United Nations that it does not intend to be part of the ICC.

The matter, which arose amid differences between Caricom and the US over the war on Iraq, provided yet another test to the unity among the islands.

While the communique gave no details about the bilateral discussions with the senior US official, Trinidad and Tobago's Prime Minister Patrick Manning has made it clear that his country will not support the US proposal.

"We don't see how we can. Trinidad and Tobago really has no flexibility in this matter and I think that is understood by all of those involved including the US authority," Manning said.

"What flexibility we have? We were the ones pushing the court. The court was re-established at our instance. How on the face of that could we seek an exemption?" he questioned.

St Vincent and the Grenadines Prime Minister Dr Ralph Gonsalves also believes that "it is in the interest of all states in the world to have an international juridical system" but he is concerned about the perception in "some quarters of this present US administration" that if you disagree with Washington's point of view on an issue, countries are likely to be affected by a loss of military and economic assistance.

Section 2007 of the American Service Members' Protection Act links the provision of US military assistance to a state's status as a party to the Rome Statute. This section provides that effective one-year after the date on which the statute enters into force, no US military assistance may be provided to the government of a country that is party to the ICC, subject to either national interest waiver or a waiver of Article 98 of the Rome statute. Dr Gonsalves said that Washington was also using access to the Millennium Challenge account to put across its point of view.

"I don't know which country today in the Caribbean - other than Haiti, Surinam and Guyana - where their per capita level of gross domestic product is at such a level to be able to access the monies from the account, so what may appear as sticks may really not be anything significant. So, therefore, the discussion should not be on the carrot and sticks but on the merits and demerits of what they are asking (us) to do," the Vincentian leader said.

He said the Caribbean had a longstanding relationship with Washington and believes "a resolution of this issue will come about without any untoward damage to the relationship or any one of us abandoning the principles we stand for".

Anselm Francis, senior lecturer at the Institute of International Relations at the University of the West Indies (UWI), believes the issue provides the Caribbean islands with an opportunity of creating a space for themselves on the global diplomatic landscape, even as they seek to minimize the likelihood of political and economic backlash on the region. "Caribbean states should start at the point of adhering to one of the basic principles of the integration movement - the coordination of foreign policy.

They can adopt the position that the issue of exemption of US citizens from the jurisdiction of the ICC is treated as a Caricom matter as distinct from a bilateral one," Francis told the Caribbean Media Corporation (CMC).

He warns that the principle would be undermined if Caribbean solidarity was not maintained.

"It goes without saying that the objective of the United States is to destroy that solidarity and the regional approach to matters which are essentially of a multilateral nature," he added.

Francis believes that a high level US-Caricom meeting should be convened to review relations between the sole super-power and the region.

"One gets the impression that too many important issues are addressed in a piecemeal manner and Caricom states are almost invariably required to make concessions without the United States having to reciprocate," he said.

He warns that the region can ill-afford to perceive itself as being powerless.

"Admittedly, the relationship with the United States is asymmetrical but we are not entirely without trumps. The United States must be mindful that it has substantial interests in the region, consequently it must eschew a policy which could be harmful to those interests," he added.