

The International Court

Monday, August 17, 2009

John Bellinger's Aug. 10 op-ed ["A Global Court Quandary for the President"]¹ exaggerated the vulnerability of the U.S. military to the International Criminal Court and overestimated the expectations of ICC supporters that the United States will join the court soon.

The court's Rome Statute in Article 98, misused by the Bush administration to try to get immunity for all American citizens, provides the American armed forces the same protection from the ICC through status-of-forces agreements that they enjoy from any other foreign jurisdiction. Most governments and other supporters understand that the inherent difficulties of U.S. treaty ratification mean that full U.S. participation in the court is a long way off. Instead, they work for the extensive U.S. support for and commitment to the court short of ratification, which Mr. Bellinger recommended.

The government's current review of policy on the ICC appears to be focused first on the degree and management of that support. Mr. Bellinger is right that at the same time the United States must defend and explain its interests by joining in the preparatory negotiations underway for the court's 2010 Review Conference.

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<http://www.washingtonpost.com/wp-dyn/content/article/2009/08/16/AR2009081601719.html>

¹ <http://www.washingtonpost.com/wp-dyn/content/article/2009/08/09/AR2009080902093.html>