

## Bilateral Immunity Agreements: Country Positions

	Has Concluded a BIA	Has Not Concluded a BIA	Publicly Refused to Conclude a BIA
<b>ICC Member States</b>	<p><b>Waived permanently:</b>  Afghanistan (Executive Agreement)  Albania (Ratified)  Antigua &amp; Barbuda (Executive Agreement)  Belize  Bhutan (Ratified)  Bolivia  Bosnia &amp; Herzegovina (Ratified)  Botswana (Executive Agreement)  Burkina Faso  Cambodia  Central African Republic  Colombia (Executive Agreement)  Djibouti  DR Congo  Dominica  East Timor (Ratified)  Fiji  FYR Macedonia (Ratified)  Gabon  Gambia (Ratified)  Georgia (Reciprocal, Ratified)  Ghana (Ratified)  Guinea  Guyana (ratified)  Honduras (Ratified)  Liberia  Malawi (Executive Agreement)  Macedonia (Ratified)  Mauritius  Mongolia  Nigeria (Executive Agreement)  Panama (Ratified)  Senegal  Sierra Leone (Reciprocal, Ratified)  Tajikistan (Reciprocal, Ratified)  Uganda (Reciprocal, Executive Agreement)  Zambia</p> <p><b>No Waiver:</b>  Marshall Islands  Nauru (Reciprocal)  Romania – EXEMPT (unwilling to ratify)</p>	<p>Andorra (no aid)  Australia – EXEMPT  Benin (\$250,000)  Eastern Caribbean (<i>Barbados and Saint Vincent &amp; the Grenadines</i>) (1,350,000)  Ecuador (\$2,300,000)  Finland (no aid)  Lesotho (\$50,000)  New Zealand - EXEMPT  Niger (\$100,000)  Republic of Korea – EXEMPT  San Marino (no aid)  Serbia &amp; Montenegro (\$250,000)  Uruguay (\$650,000)  United Kingdom – EXEMPT</p>	<p>Argentina - EXEMPT  Austria (no aid)  Belgium – EXEMPT  Brazil – (\$50,000)  Bulgaria – EXEMPT  Canada - EXEMPT  Costa Rica (\$50,000)  Croatia (\$50,000)  Cyprus (no aid)  Denmark – EXEMPT  Estonia – EXEMPT  France – EXEMPT  Germany – EXEMPT  Greece – EXEMPT  Hungary – EXEMPT  Iceland - EXEMPT  Ireland (no aid)  Italy – EXEMPT  Jordan - EXEMPT  Latvia – EXEMPT  Liechtenstein (no aid)  Lithuania – EXEMPT  Luxemburg – EXEMPT  Mali (\$250,000)*  Malta (\$125,000)  Namibia (\$225,000)*  Netherlands – EXEMPT  Norway - EXEMPT  Paraguay (\$250,000)  Peru (\$1,300,000)  Poland - EXEMPT  Portugal – EXEMPT  Samoa (\$50,000)  Slovakia – EXEMPT  Slovenia – EXEMPT  South Africa (\$50,000)  Spain – EXEMPT  Sweden (no aid)  Switzerland (no aid)  Tanzania (\$100,000)  Trinidad &amp; Tobago (\$50,000)  Venezuela (\$50,000)</p>

Explanations and summary below. For more information, contact Brian Thompson ([bthompson@globalsolutions.org](mailto:bthompson@globalsolutions.org); 202-546-3950 ext. 113). Last updated 6 October, 2004.

	Has Concluded a BIA	Has Not Concluded a BIA	Publicly Refused to Conclude a BIA
<b>Non-ICC Member States</b>	Azerbaijan (Reciprocal) Bahrain - EXEMPT Bangladesh (Reciprocal) Brunei Chad Congo-Brazzaville Dominican Republic Egypt - EXEMPT (Unconfirmed) El Salvador (Ratified) Eritrea Haiti India (Reciprocal, Executive Agreement) Israel - EXEMPT (Reciprocal, Executive Agreement) Ivory Coast Kazakhstan Kuwait - EXEMPT (Unconfirmed) Kyrgyzstan Laos Madagascar Maldives Mauritania (Reciprocal, Ratified) Micronesia Morocco - EXEMPT (Unconfirmed) Mozambique Nepal (Reciprocal) Nicaragua (Reciprocal, Ratified) Pakistan - EXEMPT Palau Papua New Guinea Philippines - EXEMPT (Reciprocal, Exec. Agreement) Rwanda (Reciprocal) Seychelles Islands Solomon Islands Sri Lanka (Reciprocal) Thailand - EXEMPT Togo Tonga Tunisia Turkmenistan Tuvalu Uzbekistan	Of note: Algeria Chile Japan - EXEMPT Lebanon Mexico Russia Ethiopia	Czech Republic - EXEMPT St. Lucia

### **KEY FACTS**

As of 5 October, the U.S. government reported over 80 agreements; 81 are listed here. About **\$6.2 million is still being withheld** from U.S. allies.

States Parties to have signed: **37**  
 Ratifications of BIAs: **18**  
 States to sign exec agreements: **11**

**45** Countries have publicly refused signing  
**57 of 97** States Parties have not signed  
**22** Have not signed despite loss of US aid

**BIA:** Bilateral Immunity Agreement; agreement to not surrender to the ICC any U.S. national or U.S. military/government employee (past or present).

**EXEMPT:** Exempted under the American Servicemembers' Protection Act (ASPA); military assistance cannot be suspended.

**\$:** Requested funds, now suspended, for countries in FY2005 under IMET (International Military Education and Training) and FMF (Foreign Military Financing) programs; other funds might also be affected. Numbers are from the State Department's request, found at <http://www.state.gov/documents/organization/28783.pdf>

**Waived:** President Bush has declared that the country will continue to receive aid, despite being an ICC member state.

**Reciprocal:** U.S. has agreed not to surrender nationals of this country to the ICC.

**Unconfirmed:** Not disclosed by the State Department/Country requested that the agreement not be revealed.

**Ratified & Executive Agreement:** BIA has entered into force. Based on public news reports; it is possible that other agreements have also entered into force, especially all countries that have received permanent waivers.