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Remarks by Ambassador James B. Cunningham, Deputy U.S. Representative to the United Nations, on the ICC, at the Security Council Stakeout, June 22, 2004

I want to first start off by giving my country's condolences to the Republic of Korea and the Korean people and the family of the South Korean worker who was killed in Iraq today. It's a great tragedy and we understand their pain from our own experience.

We had a discussion at the end of the consultations today on the [ICC](#), as you know, on a draft resolution. The United States is the biggest provider of global security and we have special concerns in this area, as we've made clear over the past couple of years. But the compromise that we reached two years ago is causing increasing discomfort in the Council, and we're aware of that. During the last couple days, the idea of a final extension of this compromise has been floated by a couple delegations. The Security Council President was consulting with Council members on that today, including with us. We would frankly prefer to maintain the existing compromise. We think it was a good outcome, but we are willing to take this step to preserve Council support and to provide a year to phase out this arrangement, and we told the Security Council President that this morning, and we told Council members that this evening.

We're more comfortable with this possible outcome now given our progress over the past year in negotiating [Article 98 Agreements](#) and Status of Forces Agreements. And we will continue very actively to seek international arrangements, which guarantee the protection of our troops. Members will seek guidance overnight. I gave them some specific language to consider for our draft resolution that would have this effect. And we hope that this proposal would provide the basis for Council agreement and a way forward. And we will see tomorrow, based on reactions, how we can proceed.

Reporter: (inaudible)

Ambassador Cunningham: It will have the same effect for the coming year that it has had for the past several years.

Reporter: (inaudible)

Ambassador Cunningham: After one year this arrangement will end.

Reporter: The only change that would be made to the resolution would be an indication that this would be the final extension?

Ambassador Cunningham: Exactly, there are two – we would eliminate the paragraph that has the intent to renew statement in it and we would insert two words in the first paragraph to make clear that this is the final extension.

Reporter: (inaudible)

Ambassador Cunningham: Yes, we would like to know if this approach of ours would provide a basis for going forward. It will avoid the divisiveness in the Council, which I think we all have an interest in avoiding, and which the Secretary General pointed to the other day.

Reporter: (inaudible)

Ambassador Cunningham: Nothing under what we proposed. There would be no change in the arrangements that existed for the past two years, that would extend for another year into the future, it would be precisely the same thing just that as a matter of Security Council action it would end after a year.

Reporter: (inaudible)

Ambassador Cunningham: We would be working during that time to continue our process of finding different international ways to continue to ensure the protection of our troops.

Reporter: (inaudible)

Ambassador Cunningham: I'm not going to rehearse all the arguments we've been having about the pros and the cons or the specifics of this. This is something that we feel has been important as a matter of principle given our reservations about the ICC, and we continue to have those reservations. But we acknowledge that the differences of view about this are not going to be overcome through this mechanism or through other mechanisms. And we'll continue to seek the best basis we can so that our troops are protected.

Reporter: (inaudible)

Ambassador Cunningham: Because it's become clear as we've had these discussions over the past couple weeks that, as I said at the outset, the members of the Council are becoming increasingly uncomfortable with this kind of arrangement and we're acknowledging that.

Reporter: (inaudible) the original resolution?

Ambassador Cunningham: We always like to be confident.

Reporter: (inaudible)

Ambassador Cunningham: It shouldn't contribute to it at all because that unfortunate situation is not germane to this discussion. And as I said, I don't want to get into the arguments of what applies where, but even if the exemption did not apply or did apply in Iraq it would cover those individuals because it is in effect right now. So that issue really isn't germane. It hasn't been referred to in the discussions other than general observations that this is a very unfortunate circumstance. But those – the people who are involved with and found guilty of this will be dealt with and punished under our system as foreseen with the ICC statute.

Reporter: (inaudible)

Ambassador Cunningham: I don't know, 99.

Reporter: (inaudible)

Ambassador Cunningham: Thank you very much.

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