

Statement by Senator Christopher J. Dodd
On the Unsigning of the International Criminal Court
May 6, 2002

I am extremely disappointed by the announcement made today by the Bush Administration with respect to the “unsigning” of the International Criminal Court (ICC). This decision is irresponsible, isolationist, and contrary to our vital national interests. Many of our closest allies have put their faith in the vision of this new legal instrument. We should be giving them the benefit of the doubt that they are committed to making the court work to strengthen international respect for the rule of law.

Just a few weeks ago, on April 11, governments gathered in New York to mark the depositing of the 60th instrument of ratification of the Rome Statute – meaning that the International Criminal Court will come into existence in July. At that time, I urged the Bush administration not to adopt a course that would pit us against our best friends and allies with respect to the Court. Instead, I urged that the United States be actively engaged with the ICC in working to ensure that it demonstrates the highest standards of jurisprudence and integrity. Sadly the Administration did not heed my call.

What are the implications of the course that the Bush administration has set for the US? The United States no longer can credibly voice its opinion on who should be selected to be the Court’s judges and prosecutors. Nor would it be taken seriously if it attempted to use its seat on the U.N.’s Security Council to refer situations to the Court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity. Finally, our words will fall on deaf ears when we purport to act as an unbiased watchdog of the Court’s integrity having denounced its fundamental purpose. We have also lost the opportunity to ensure that the Court stays focused on its primary task, bringing to justice the world’s worst criminals.

I have just cited a number of vital American interests that are wrapped up in the Court. Those interests aren’t going to be erased with the name of the United States from the Rome Statute. The Administration may have struck a responsive chord with its right wing, “anti-multilateralist” constituency with this announcement, but it has jeopardized the interests of all Americans in so doing. The Administration could have taken the high road, recognizing that there is a constructive and useful role that the United States could perform without making a decision at this juncture concerning US ratification. Sadly President Bush has chosen not to do so.

While some may be cheering the Administration’s decision today, those of us who care deeply about promoting the rule of law are not. This issue has particularly significance for me personally. My father, Thomas J. Dodd, served as Executive Trial Counsel at Nuremberg. The Nuremberg Trial of the leading Nazi war criminals following World War II was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions. It was also largely an American initiative.

Today, Instead of America being a leader in the pursuit of global justice, we would act to throw up roadblocks toward that goal. Make no mistake about it, today was a setback in the promotion of global justice. Today was a setback for what America is supposed to stand for.