

The Future of U.S.-UN Relations

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[EXCERPT]

Countries disagree on other international law issues as well. The Rome Statute establishing the International Criminal Court (ICC) and the Kyoto Protocol on global warming are notable examples. Germany believes that being a party to the Rome Statute and the Kyoto Protocol will advance its interests. It accepts the obligations of being a party to each one. The United States holds the opposite view and has not become a party to either of them. Consequently, it does not accept any international legal obligations with respect to them.

The United States does not violate any international legal obligation or act against international law by remaining outside the ICC. There is no requirement, under customary international law or elsewhere, that a nation become a party to this treaty. Nothing in existing customary law says that we are bound by the provisions of the Rome Statute when we are not a party to it.

Every nation has the right to decide which treaties it will sign, and we will continue making case-by-case assessments. The fact that another country may make a different assessment of a treaty does not mean that one country is acting in favor of international law and the other against it: Both are acting consistent with international law.

For this reason, while we respect the right of countries to make their own decisions, we nonetheless wish that France, Germany, and Syria had joined the other 12 members of the Security Council in supporting the simple extension of Resolution 1422, which protects UN peacekeepers from prosecution by the International Criminal Court. A clear majority of the Council understood the need to preserve the integrity of UN peacekeeping operations by extending the resolution. We hope that the action of the three who abstained does not signal a desire to reopen in the future the balanced compromise reached last year. It would be a pity indeed, a tragic consequence for international peace and security if non-ICC signatory states like the United States found it legally impossible to participate in UN peacekeeping.