

**Ambassador John D. Negroponte**

United States Permanent Representative to the United Nations  
Statement in the Security Council in Explanation of Vote on Renewal of the Mandate for the UN  
Mission in Bosnia and Herzegovina  
June 30, 2002

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*Explanation of Vote by Ambassador John D. Negroponte, United States Permanent Representative to the United Nations, on the Renewal of the Mandate for the United Nations Mission in Bosnia and Herzegovina, in the Security Council, June 30, 2002*

The longstanding commitment of the United States to peace and stability in the Balkans is beyond question. We have also been clear and consistent about our concerns on the ICC, in particular the need to ensure our national jurisdiction over our personnel and officials involved in UN [peacekeeping](#) and coalition-of-the-willing operations.

As you are well aware, this is not the first time we have raised this issue in the Council. I explained these concerns when we dealt with UNMISSET in May. The United States voted in favor of the [East Timor resolution](#) with the expectation that the Council would address our concerns before the ICC came into effect July 1. In East Timor only three U.S. soldiers participate in the UN peacekeeping mission; we intend to withdraw them absent a solution to the ICC issue.

It is with great regret that the United States finds itself on the eve of that date, despite our best efforts, without a solution.

The United States has contributed – and will continue to contribute – to maintaining peace and security in the Balkans and around the globe. Contributing personnel to peacekeeping efforts demonstrates a commitment to international peace and security that, as you all know, can involve hardship and danger to those involved in peacekeeping. Having accepted these risks, by exposing people to dangerous and difficult situations in the service of promoting peace and stability, we will not ask them to accept the additional risk of politicized prosecutions before a court whose jurisdiction over our people the Government of the United States does not accept.

Some contend that our concerns are unwarranted. With our global responsibilities, we are and will remain a special target and cannot have our decisions second-guessed by a court whose jurisdiction we do not recognize.

With the court coming into being, this problem must be resolved – but in a way that takes account of two hard facts: the United States wants to participate in international peacekeeping; but the United States, a major guarantor of peace and security around the globe and a founding member of the United Nations, does not and will not accept the jurisdiction of the ICC over the peacekeepers that it contributes to UN-established and-authorized operations.

The failure of the Security Council to act to preserve an appropriate legal status for the U.S. and other non-ICC party peacekeepers can only end in damage to international peacekeeping generally.

None of this is of our making.

We have offered a practical solution to this problem that would preserve everyone's interests, protect international peacekeeping, and strengthen the hand of this Council to maintain international peace and security.

We have scrupulously sought to find a way forward that is both consistent with others' obligations to the [Rome treaty](#) and with UN peacekeeping practice. Furthermore, we have accepted the principle that this solution should apply only to states not party to the ICC.

Let me repeat: There is no inherent reason why states that have signed or even ratified the Rome treaty cannot also support our proposed solution.

Our proposal calls for establishment of immunity for UN peacekeeping. It builds on immunities that are already recognized in the UN system and reflected in SOFAS and SOMA's. The Rome treaty itself recognized the concept of immunity. If the Security Council decides that its ability to maintain international peace and security will be enhanced by providing immunity to UN peacekeeping, it may provide such immunity. The framers of the ICC Treaty surely could not limit the authority of the Security Council in this regard. The consequence of providing UN peacekeepers with such immunity would be the creation of a legal obligation on States to observe that immunity. Pursuant to Article 98 of the ICC Treaty, the compliance of ICC parties with such obligations is entirely consistent with the Treaty.

It strikes us as more than perplexing that others who are parties to the ICC can use the provision of the treaty to exempt their forces for an extended period from the purview of the court for war crimes and then suggest that our attempt to use other provisions of the treaty similarly to provide protection for our forces either violates their treaty obligations or does unacceptable damage to the spirit of the treaty.

The United States will vote against this resolution with great reluctance. This decision is not directed at the people of Bosnia. We will stand by them and by our commitment to peace and stability in the Balkans. The fact that we are vetoing this resolution in the face of that commitment, however, is an indication of just how serious our concerns remain about the risks to our peacekeepers.

The original document can be found at:  
[http://www.un.int/usa/02\\_087.htm](http://www.un.int/usa/02_087.htm)