

**United States Mission to the OSCE Statement
on the International Criminal Court**

Delivered by Chargé d'Affaires Douglas A. Davidson to the Permanent Council, Vienna
May 16, 2002

Thank you, Mr. Chairman.

We appreciate this second opportunity to comment on the United States decision regarding the International Criminal Court. I spoke at length to this issue last week, and in the intervening week we also circulated a statement at somewhat greater length made by our Under Secretary of State for Political Affairs, Mr. Marc Grossman, explaining our decision not to ratify the Rome Statute. Today, I just want to say that we have taken note of the European Union's statement and also the statements made by Canada and the Russian Federation. I would simply like to take this opportunity to clarify three points that may not be readily apparent.

The first is to correct the apparent misimpression that this action that we have taken is a break from prior United States policy. It is not. There is only one United States position on the International Criminal Court Treaty. It is simple and it is this: we are opposed to it. When President Clinton authorized the United States signature, he stated at the time that the treaty was flawed and that it should not be submitted to the United States Senate unless fundamental American concerns were first resolved. They have not been.

This brings me to my second point, which pertains to whether this act means that the United States is in some way "unsigned" the treaty. Let me say that the United States is in fact not doing this. The United States signed this treaty on December 31, 2000. A signatory cannot "unsign" a treaty; its signature is, after all, historical fact. So, our notice in this case is simply intended to make clear that we do not intend to become a party to this treaty and that we, therefore, have no obligations stemming from this prior signature.

Finally, I know that some States are concerned that this action by us sets a new precedent. I would note in response to these concerns that the United States has previously taken similar steps. In 1986, for example, the United States notified the Swiss Government that it did not intend to become a party to Protocol 1 of the Geneva Conventions.
Thank you very much, Mr. Chairman.