

Secretary of State Colin Powell interviewed by European newspaper journalists, Nov. 25, 2003

QUESTION: Would you be able to name a symbol that might mend fences in that respect? For instance, would the United States tend to soften its ICC policy, as borne out by the six countries that were sort of let off the hook recently?

SECRETARY POWELL: No. We're not going to yield on our ICC policy. We believe in certain things and we have taken what, to us, are principled positions.

When I was Chairman of the Joint Chiefs of Staff, I didn't approve of the initial work moving toward what became the Rome statute and the ICC. It is simply inconsistent with our own constitutional way of dealing with misdeeds or for offenses that might have been committed by our people in uniform. We will take care of that, and they will not be subject to an ICC. So we will not yield on that, and that's why we made it clear that we would not be any longer bound by any of the terms of the ICC, even though President Clinton signed it just before he left office, knowing at the time he signed it, it would never go to our Senate for ratification. So, no, we're not going to change our position.

And, in fact, what we have been doing is talking to our friends around the world and say, "Look, you believe in the ICC, you have signed onto the Rome statute and you are in the process of ratifying it. Fine, that's your position. That's good." We choose not to do that, and in order for us to have the ability to have our troops work in your country or other diplomats serve without any risk in your country, we invite you to enter into Article 98 agreements. Article 98 agreements are provided for by the Rome statute, and we have entered into some 72 such agreements in the last year or so.

And so we are not telling anybody else that they should abandon the Rome statute, but we, ourselves, are not going to become a party to the Rome statute and we're finding ways to protect our people so that we can continue with our partnership activities. And, as you know, we have waived some of the Servicemen Protection Act restrictions on six countries.