

Statements by John Bolton on the ICC and International Law

Below is a selection of ICC-related statements by former US Undersecretary for Arms Control and International Security John Bolton, who has been nominated as the next US Ambassador to the United Nations.

As noted in a recent article in *The New York Times* (“The World According to Bolton”, 9 March 2005): “In 1997, Mr. Bolton wrote in a column in *The Wall Street Journal* that the United States isn't legally bound to pay its United Nations dues. “Treaties are 'law' only for U.S. domestic purposes,” he said. “In their international operations, treaties are simply 'political' obligations. ...And forget about the International Criminal Court. In 2000, Mr. Bolton told the House International Relations Committee: “Support for the International Criminal Court concept is based largely on emotional appeals to an abstract ideal of an international judicial system unsupported by any meaningful evidence and running contrary to sound principles of international crisis resolution.”

Please note: The Coalition for the ICC does not take a position on national nominations, and provides these statements as part of our mandate to disseminate ICC-related information.

“We should isolate and ignore the ICC. Specifically, I propose for the United States policy – I have got a title for it... I call it the Three No's: no financial support, directly or indirectly; no collaboration; and no further negotiations with other governments to improve the Statute. [...] This approach is likely to maximize the chances that the ICC will wither and collapse, which should be our objective.”

-John Bolton, Undersecretary for Arms Control and International Security and head of the administration's ICC team, remarks made to the Senate Foreign Relations Committee, July 23, 1998

“A product of fuzzy-minded romanticism that is not just naive, but dangerous.”

-John Bolton on the ICC, while a senior vice-president at the American Enterprise Institute, 1998

“The ICC's principal difficulty is that its components do not fit into a coherent 'constitutional' structure that clearly delineates how laws are made, adjudicated, and enforced, subject to popular accountability and structured to protect liberty. [...]

This approach is inconsistent with American standards of constitutional order, and is, in fact, a stealth approach to eroding constitutionalism.” [...]

Thus, although the gravest danger from the American perspective is that the ICC will be overbearing and unaccountable, there is an at least equally likely possibility that, in the world at large, the new institution will be powerless and ineffectual. While this may sound contradictory, the ICC is ironically one of those rare creations that may be simultaneously dangerous and weak because its intellectual underpinnings are so erroneous or inadequate in so many respects. [...]

This attempted marginalization of the Security Council is a fundamental new problem created by the ICC that will have a tangible and highly detrimental impact on the conduct of U.S. foreign policy. The Council now risks having the ICC interfere in its ongoing work, with all of the attendant confusion between the appropriate roles of law, politics, and power in settling international disputes.” [...]

The United States has many alternative foreign policy instruments to utilize that are fully consistent with our national interests, leaving the ICC to the obscurity it so richly deserves. Signatories of the Statute of Rome have created an ICC to their liking, and they should live with it. We should not.”

- John R. Bolton, “*Courting Danger: What's Wrong With the International Criminal Court,*” *The National Interest*, Winter 1998/1999, page 54.

“It is a big mistake for us to grant any validity to international law even when it may seem in our short-term interest to do so -- because, over the long term, the goal of those who think that international law really means anything are those who want to constrict the United States.”

-John Bolton as told to *Insight magazine*, August 2, 1999, *Insight magazine*

<http://www.insightmag.com/news/1999/08/02/SpecialReport/Just-What.Is.A.War.Criminal-215455.shtml>

“My main concern is for our country's top civilian and military leaders, those responsible for our defense and foreign policy. They are the real potential targets of the ICC's politically unaccountable prosecutor.” [...]

Whether the International Criminal Court survives and flourishes depends in large measure on the United States. I believe it should be scrapped. We will, therefore, ignore it in our official policies and statements and attempt to isolate it through our diplomacy, in order to prevent it from acquiring any further legitimacy or resources. The U.S. posture toward the ICC will be “three noes”: no financial support, directly or indirectly; no collaboration; and no further negotiations with other governments to “improve” the ICC. Such a policy cannot entirely eliminate the risks posed by the ICC, but it can go a long way in that direction.” [...]

I have, however, instructed the secretary of state to raise our objections to the ICC on every appropriate occasion, as part of our larger campaign to assert American interests against stifling, illegitimate, and unacceptable international agreements. The plain fact is that additional “fixes” over time to the ICC will not alter its multiple inherent defects, and we will not advocate any such efforts. We will leave the ICC to the obscurity it so richly deserves.”

- John, Bolton, “*Toward an International Criminal Court?*” *Critical Policy Choices - Council on Foreign Relations*, July 1999

“[T]here is no reason to consider treaties as ‘legally’ binding internationally, and certainly not as ‘law’ themselves.”

-John Bolton, “*Is There Really ‘Law’ in International Affairs,*” *10 Transnational Law and Contemporary Problems* (Spring 2000) 1, page 4

“Support for the International Criminal Court concept is based largely on emotional appeals to an abstract ideal of an international judicial system.”

-John Bolton, *comments made to the House International Relations Committee*, July 7, 2000

“The happiest moment of my government service.”

-John R Bolton, *comments made to the Wall Street Journal on signing a letter informing the UN that the US was renouncing the court*, May 6, 2002 (also quoted in the *Washington Post*, March 8, 2005)

“We’re not applying any pressure on countries to sign these [bilateral] agreements, and we don’t think it is appropriate for the European Union to prevent other countries from signing them.”

- *Under-Secretary for Arms Control and International Security John R. Bolton in an interview, August 13, 2002*

“The ICC does not fit into a coherent international ‘constitutional’ design that delineates clearly how laws are made, adjudicated or enforced, subject to popular accountability and structured to protect liberty. There is no such design. Instead, the Court and the Prosecutor are simply “out there” in the international system. Requiring the United States to be bound by this treaty, with its unaccountable Prosecutor, is clearly inconsistent with American standards of constitutionalism and the standards for imposing international requirements.”

-*John R. Bolton, Under Secretary for Arms Control and International Security, Remarks at the Aspen Institute, Berlin, Germany, September 16, 2002*

(http://www.iccnw.org/documents/statements/governments/USBolton_Aspen16Sept02.pdf)

“We respect the decision of States Parties to join the ICC, but they in turn must respect our decision not to be bound by jurisdictional claims to which we have not consented.”

- *Under Secretary for Arms Control and International Security John Bolton, November 14, 2002*

“For numerous reasons, the United States decided that the ICC had unacceptable consequences for our national sovereignty. Specifically, the ICC is an organization that runs contrary to fundamental American precepts and basic Constitutional principles of popular sovereignty, checks and balances, and national independence.”

-*John R. Bolton, Under Secretary for Arms Control and International Security Remarks at the American Enterprise Institute Washington, DC, November 3, 2003* (<http://www.state.gov/t/us/rm/25818.htm>)