

**The U.S. Government Position on the ICC:
How Sanctions Will Affect U.S. Allies**

- Since July 1, 2003, the U.S. has sanctioned important friends and allies who have helped the U.S. over the last year in Iraq, Afghanistan, the war on drugs, and other vital efforts. **This is the first sanction in American diplomatic history targeted exclusively at democracies.** The military assistance funds that will be withheld in FY04 total \$89.28 million.
- The 32 affected countries are being punished, despite their strong political and military support of U.S. policies, because they have refused to sign agreements granting Americans immunity from prosecution by the International Criminal Court (ICC). To sign the agreements, not only would they have to breach their legal obligations under an international treaty (the ICC's Rome Statute), but they would also be putting Americans on their soil above the laws that they expect their own citizens and leaders to obey.
- While wealthier and stronger U.S. allies are spared from these sanctions under law, **the 32 affected countries are almost all new democracies, many emerging from recent conflicts or authoritarian rule, that are trying to secure human rights and uphold the rule of law.** Now the U.S. is demanding that they break their international legal obligations by providing impunity for U.S. citizens for the most atrocious crimes.
- When first requesting the funds in question, President Bush certified to Congress that the assistance would **"strengthen the security of the United States and promote world peace."** Now, by refusing to grant national interest waivers for these 32 countries, **he has put his ideological opposition to the ICC before our national security interests.**
- Most of the countries affected, as well as our many European allies, have offered as a compromise to not turn over any U.S. service member or government official to the ICC. The Bush administration, however, continues to insist that agreements cover all U.S. nationals. **In practice, the administration is going to bat for anyone with an American passport, regardless of his or her actions or motives.**
- Damage to U.S. foreign policy objectives include:
 - Slowing preparations for NATO enlargement,
 - Punishing partners in Operation Iraqi Freedom,
 - Undermining cooperation in the War on Terror,
 - Undercutting efforts to combat drug trafficking and transnational crime,
 - Threatening the ability of regional leaders to provide peacekeeping forces for local conflicts, and
 - Weakening U.S. ability to bring wanted war criminals like Radovan Karadzic and Ratko Mladic to justice.
- President Bush has gone back to the UN to ask other countries to help rebuild Iraq. **Sanctioning friends who are already helping Coalition efforts in Iraq will not help convince more wary countries to meet U.S. requests.**

Damage to U.S. Foreign Policy Objectives:

Slowing preparations for NATO enlargement

Six of the seven countries slated to join NATO in 2004 (Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia) will have an additional \$47 million withheld starting October 1 until their accession is complete.

- The suspended aid is primarily intended to help prepare the nations' militaries to be fully interoperable with NATO forces. "That money is very important," according Rihards Mucins, a senior Latvian diplomat. "We are in a stage where we have to be more prepared for being a NATO member. If that money is cut now... we would lose time in preparing ourselves."ⁱⁱ
- Future candidates for NATO membership now face delays in achieving needed upgrades in their militaries as well. In a letter to a Zagreb newspaper in May, U.S. ambassador to Croatia Lawrence Rossin pointed out that "U.S. military assistance is significant" because "it helps prepare the Croatian Armed Forces for NATO membership," implying that Croatia's refusal to meet U.S. demands could harm Croatia's NATO aspirations.

Punishing partners in Operation Iraqi Freedom

Some countries that have sent troops to Iraq, including Bulgaria, Latvia, Lithuania, Estonia, and Slovakia, have seen their military funding suspended. While it is unclear whether the U.S. will provide other funds for troop contributions to Iraq, imposing sanctions on our military allies during a war sends an uncooperative and ungrateful message to those who have taken the political risk of supporting U.S. policy.

- As a Slovak daily paper, Pravda, pointed out, "Quite recently he [George Bush] sent us the message that Americans will not forget Slovakia's aid in the Iraq war. But the gratefulness evaporated with a single Slovak 'hesitation'." Another paper, Narodna Obroda, summarized, "In major issues such as the Afghan or Iraq crisis, Slovakia stood firmly behind Washington. Sometimes it was even criticized for an excessively pro-American attitude. Now if it joins the EU view that no one should have any prior exception for war crimes, it is punished."ⁱⁱⁱ
- Bulgaria has strongly supported U.S. efforts in Iraq through diplomatic backing at the Security Council and by providing troops for stabilization efforts. Despite these efforts, President Bush did not waive the sanctions on Bulgaria, which lost its military aid one month after agreeing to send 500 troops to Iraq. The country is now facing the suspension of an additional \$10 to \$20 million in FY04.
- The BIA campaign could also inhibit the U.S. from gaining further troop support for Iraq. When Fiji first offered to send 700 soldiers to Iraq in June, negotiations stalled because the U.S. insisted Fiji first sign a BIA.ⁱⁱⁱ On July 1, the U.S. suspended funds that enabled Fiji military personnel to train in the U.S. Fiji is still considering sending troops, but has been unable to locate the funds for the deployment.^{iv}

Undermining cooperation in the War on Terror

Aid has also been suspended to countries in Africa and Latin America who actively collaborate with the U.S. to fight terrorism within their own borders.

- The U.S. has supported efforts by Argentina, Brazil, and Paraguay to crack down on terrorist networks in the border region between the three countries.^v Despite much progress, military assistance to Brazil and Paraguay is now frozen.
- Military training for friends in Africa was increased this year "as a key foreign policy tool to promote continued cooperation – particularly important for those nations playing valuable roles with the U.S. in the war on terrorism."^{vi} These programs have now been suspended for eight African countries, including Tanzania, the location of a 1998 U.S. embassy bombing. (Other countries affected: Benin, Central African Republic, Lesotho, Mali, Namibia, Niger, South Africa.)

Undercutting efforts to combat drug trafficking and transnational crime

The U.S. has suspended military assistance to 13 Latin American allies, all of whom are strong partners in the war on drugs.

- The U.S. has been increasing its partnerships with Caribbean countries over the last decade to fight drug trafficking in its backyard. Following the imposition of sanctions on six Caribbean countries, the Caribbean Community (CARICOM) heads of state issued a statement that they were "deeply disturbed by the punitive action taken by the U.S. government," adding that "this development was at complete variance with the spirit of the special relationship between the United States and the Caribbean." (Countries affected: Antigua and Barbuda, Barbados, Belize, Dominica, St. Vincent and the Grenadines, and Trinidad and Tobago.)
- The bulk of the approximately \$3 million suspended for these Caribbean nations would have gone toward counter-drug operations. (The funds also include hurricane disaster assistance.) "It's going to hurt the U.S. in the longer term," posits Crispin Gregoire, Dominica's ambassador to the UN. "The question that looms large is: Is the U.S. still committed to the war on drugs?"^{vii}
- According to the State Department, Ecuador has virtually rid the country of coca production and is now working closely with the U.S. to combat money laundering and the transshipment of drugs. From the Manta airbase in Ecuador, the U.S. monitors drug trafficking flights in the region.^{viii} Without a shift in U.S. policy, the U.S. will now withhold \$15.65 million in FY04 from Ecuador.
- Other strong allies in the war on drugs whose aid has been suspended include Brazil, Paraguay, Peru, Uruguay, and Venezuela.

Threatening the ability of regional leaders to provide peacekeeping forces for local conflicts

One major objective of the Foreign Military Financing program is to "improve key capabilities of friendly countries to contribute to ... peacekeeping and humanitarian crises," thereby "helping to reduce peacekeeping engagements by the U.S."^{ix} This funding has now been suspended to some countries that have already taken leadership roles in regional peacekeeping efforts.

- In Africa, the frozen funds are intended to "improve peacekeeping capacity [and] enhance border and maritime controls, thereby strengthening regional stability" and decreasing reliance on U.S. peacekeeping capabilities.^x South Africa, a leader in regional peace processes and major supplier of peacekeepers for African conflicts, will see \$7.2 million withheld in FY04.
- Slovenia helped the U.S. and NATO deploy IFOR, the international peacekeeping force in Bosnia, and participated in the follow-up effort, SFOR. It continues to be a lynchpin in promoting stability in southeastern Europe. The State Department characterizes Slovenia as an important bridge between Europe and the Balkans, "the area of the continent that poses the greatest diplomatic and military challenges."^{xi} Slovenia will have \$4.95 million withheld in FY04.

Weakening U.S. ability to bring wanted war criminals to justice

By demanding impunity for U.S. nationals accused of future acts of genocide, war crimes, and crimes against humanity, the U.S. is undermining its credibility to insist that these same countries turn over wanted war criminals like Radovan Karadzic and Ratko Mladic to the International Tribunal for the Former Yugoslavia.

- The U.S. required Serbia and Montenegro to demonstrate by June 15 that they were fully cooperating with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in order to receive any U.S. assistance; two weeks later, Serbia's military aid was suspended because it failed to agree to grant U.S. citizens impunity for similar grave crimes. "I think it would be very difficult to explain to our people that on the one hand we will sign a bilateral agreement with the United States in which we agree to protect their citizens, while at the same time we are arresting and extraditing our citizens for trial at [the ICTY]," explained Serbian Prime Minister Zoran Zivkovic.^{xii}

- The U.S. continues to pressure Croatia to locate, arrest, and extradite Croatian General Ante Gotovina and other indicted Croatians. Many groups in Croatia would prefer that such matters be settled at home. Now the U.S. is demanding that the Croatian government, which is facing elections later this year, promise that it will not extradite U.S. citizens to a similar international tribunal. Signing a BIA would “undermine the credibility of the government to cooperate with The Hague,” said Ivan Grdesic, Croatia’s ambassador to the U.S. “If we sign this [BIA], we will in the eyes and minds of the Croatian voters be acting on double standards.”^{xiii} As Croatian President Stjepan Mesic puts it, “it would be very difficult to explain to the Croatian public how we can have one way of treating our own citizens, and another for citizens of another country.”^{xiv}

Additional Information on Sanctioned Countries:

Antigua and Barbuda

Antigua has long hosted a U.S. military presence, including a new regional Coast Guard training facility, and actively works with the U.S. to fight drug trafficking and transnational crime in the Caribbean. Prime Minister Lester Bird said the \$1 million at stake would have been used for counter-narcotics and anti-terrorism operations that benefit both Antigua and the U.S. “It seems to me to be counterproductive,” he said.^{xv}

Benin

According to the State Department, “a panoply of military-to-military cooperation programs reinforces democratizing efforts”^{xvi} in Benin, a promising emerging democracy in West Africa. The military financing and training programs, now suspended, were helping Benin develop peacekeeping capabilities important for regional stability.

Bulgaria

Bulgaria has been among the most steadfast champions in Europe of U.S. policies. Bulgaria has supported the U.S. in Security Council debates and by sending troops to join coalition forces. In addition, Bulgaria has permitted U.S. forces to use its bases for operations in Iraq and Afghanistan, donated military equipment to the Afghan army, and has offered the U.S. a permanent base on its soil. According to administration sources, suspended U.S. assistance would have, among other things, supported units protecting U.S. forces stationed in Bulgaria.

Central African Republic

The U.S. assistance to this war-torn country is geared towards strengthening its fragile democracy. The military training now suspended was intended to help inculcate democratic values in the country’s military leadership and to develop cooperation on fighting terrorism.^{xvii}

Costa Rica

Even though Costa Rica backed the U.S. efforts in Iraq and has cooperated with the U.S. on a growing number of narcotics seizures, it was still sanctioned on July 1. Costa Rica is a firm supporter of the Court and is unlikely to give in to U.S. demands. “We are not against the United States. We are in favor of the International Criminal Court, and that is how they should view it,” Foreign Minister Roberto Tovar emphasized. He said that the sanctions will affect the supply of spare parts for police vehicles and the granting of scholarships in the field of security.^{xviii}

Croatia

Croatia has participated in peace operations in Afghanistan, helped in the fight against terrorism, and is now sending stabilization forces to Iraq. The military aid withheld by the U.S. will set back its scheduled

modernization of its army, delaying its candidacy for NATO. The loss of military equipment and financing is not the whole story, however. As the Croatian ambassador to the U.S., Ivan Grdesic, explained, Croatia's best relations with the U.S. come from dozens of Croatian military officers studying in the States.^{xix} This military training program has also been suspended.

Ecuador

According to the State Department, Ecuador still struggles with money laundering, border control, and illegal immigration. It is a large recipient of U.S. aid, which helps Ecuador combat these problems and coordinate with the U.S. on anti-narcotics and anti-terrorism operations. Congressional Vice-President Antonio Posso said that the U.S. decision "is strange behavior that aims to punish poor Third-World nations." Retired army General Jose Gallardo, who served twice as Ecuador's defense minister, described the step as "a major roadblock to cooperation between the United States and other nations."^{xx}

Estonia

Estonia, a NATO accession country that has sent troops to Iraq, faced sanctions regardless. Marko Mihkelson, head of Estonia's parliamentary foreign affairs committee, said, "As future NATO members, we expect to be dealt with as allies, not like this."

Fiji

Fiji survived multiple military coups in the 1990s, and U.S. military training funds were designed to contribute to "improved civil-military relations, civilian control of the military, and human rights."^{xxi} This program is now on hold.

Latvia

Latvia has also joined coalition forces in Iraq and will join NATO next year. Atis Lejins, director of the Latvian Institute for International Affairs in Riga, explained, "I think there's a broad feeling in Latvia that says, 'How come us? Who helped in Iraq?'"^{xxii}

Lithuania

Lithuania has provided support for Coalition forces in Iraq and has sent units to serve in Afghanistan; it will also join NATO next year. One Lithuanian government official explained that it hardly seemed fair to face an aid cutoff despite "standing along with the United States in your fight against terrorism and sending troops to Afghanistan and Iraq." The official also noted that the greatest frustration is to be "put in a position to choose between the United States and Europe. That is the worst."^{xxiii}

Mali

Mali is a promising strong new democracy, and the U.S. has provided aid to encourage regional stability and institutionalize respect for human rights. The military assistance that has now been suspended was intended to help Mali "achieve its potential in international peacekeeping efforts."^{xxiv}

Namibia

The U.S. actively helped Namibia achieve independence in 1990 and has provided military assistance to strengthen regional security. Namibia's refusal to bow to U.S. demands is firm: "Let's go hungry if we must," said Defense Minister Erkki Nghimtina. "We will not change our decision."^{xxv}

Paraguay

U.S. military training and exchange programs in Paraguay, now suspended, were designed to "help modernize, professionalize, and democratize the military" in a newly democratic country with a long history of military rule. Foreign Minister Jose Antonio Moreno Ruffinelli explained, "we decided not to

sign that 'waiver' in the way that it was worded. We could have signed it had they agreed to the changes we proposed. They said they could not change it."^{xxvi}

Peru

Having recently emerged from a period of authoritarian rule, Peru is anxious to institutionalize a human rights regime to strengthen its new democracy. It has thus taken a very strong and public stand against the U.S. demands for impunity. As a result, Peru will not receive \$2.7 million in military assistance next year intended to help Peru combat drug trafficking and terrorism.

St. Vincent and the Grenadines

Prime Minister Ralph Gonsalves said his country could lose \$300,000 earmarked for coast guard and anti-drug operations. "Our friendship remains, it's just that we have a different position on this issue," he said.^{xxvii}

Serbia and Montenegro

Serbia is eager to move towards accession to the European Union, the surest way of ensuring its continued stability and economic growth. The U.S. insistence on a bilateral immunity agreement puts Serbia, and other Eastern European countries, in an untenable position between the demands of the U.S. and the expectations of the EU, which maintains that the U.S. agreement is in violation of the legal obligations member states have to the ICC. "We are in a situation where one group of our friends is asking us to do something against another group of friends," commented President Svetozar Marovic. Because Serbia's future will depend on closer integration with its European neighbors, Marovic expects "our friends in the USA to support us" in upholding its commitment to the ICC.^{xxviii} Instead, the Bush administration is withholding half a million dollars in assistance from Serbia and Montenegro in FY04.

South Africa

South Africa is the largest recipient of U.S. military aid in sub-Saharan Africa, which has enabled it to expand its peacekeeping capabilities. South Africa is a leader in regional peace efforts and has sent peacekeepers to conflicts across the continent, including the Congo. The country also closely cooperates with the U.S. to combat terrorism. When President Bush visited in July, however, he received a cool reception. At the last minute, Bush canceled a visit to a South African military base, having allowed \$7.2 million in military assistance to South Africa to be suspended just the week before.^{xxix}

Tanzania

A stable, democratic country, Tanzania was the location of one of the U.S. embassy bombings in 1998. Since then, relations between the U.S. and Tanzania have become closer and now encompass cooperation in anti-terrorism efforts and law enforcement.^{xxx} Regardless, Tanzania's military assistance is now frozen.

Venezuela

According to the State Department, Venezuela is a minor source of drugs but a major transit country for cocaine and heroin. Money laundering is also a major concern. The military training and education program for Venezuela, intended to improve coordination and capability to combat these transnational crimes, has been halted.^{xxxi}

Other affected countries: Barbados, Belize, Brazil, Lesotho, Samoa, Slovakia, Slovenia, Trinidad and Tobago, Uruguay.

ⁱ Peter Slevin, "U.S. may cut aid over court immunity," Washington Post, 1 July 2003.

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- ii "From the Slovak press," CTK National News Wire, 3 July 2003.
- iii "Fiji's bid to send peacekeepers to Iraq turns into political drama," Agence France Presse, 7 June 2003.
- iv "Fiji reconsiders Iraq deployment," Fiji Village (web site), 21 August 2003.
- v Department of State, "Background Note: Brazil" and "Background Note: Paraguay."
- vi Department of State, budget justification for military assistance, February 2003.
- vii Ian James, "U.S. decision to cut military aid to Caribbean countries could handicap war on drugs, critics say," Associated Press, 22 August 2003.
- viii Department of State, "Background Note: Ecuador."
- ix Department of State, budget justification.
- x Ibid.
- xi Department of State, "Background Note: Slovenia."
- xii "EU candidates resist US pressure over International Criminal Court," Agence France Presse, 2 July 2003.
- xiii Slevin.
- xiv Interview, Croatian Radio, Zagreb, 2 Jun 2003. Translated from Croatian by BBC Monitoring.
- xv Stevenson Jacobs, "Caribbean leaders say they won't budge on International Criminal Court despite U.S. pressure," Associated Press, 3 July 2003.
- xvi Department of State, "Background Note: Benin."
- xvii Department of State, "Background Note: Central African Republic" and budget justification.
- xviii "Costa Rica wants to be spared from a US freeze on military aid," Notimex News agency, 2 July 2003. Translated from Spanish by BBC Monitoring.
- xix Slevin.
- xx Michael Tarm, "U.S. decision to cut military aid disappoints recipients," Associated Press, 3 July 2003.
- xxi Department of State, budget justification.
- xxii Tarm.
- xxiii Slevin.
- xxiv Department of State, "Background Note: Mali."
- xxv "Country snubs US on ICC," The Namibian, 30 July 2003.
- xxvi "Foreign Minister confirms US military aid has been cut off," ABC Color (web site), 3 July 2003. Translated from Spanish by BBC Monitoring.
- xxvii Jacobs.
- xxviii "Serbia-Montenegro placed in 'unnatural, immoral' situation over ICC – President," Mina News agency, 16 June 2003. Translated from Serbian by BBC Monitoring.
- xxix "Dana Milbank and Emily Wax, "Critical of U.S. Policies, Africans Are Giving Bush Chilly Reception," Washington Post, 9 July 2003.
- xxx Department of State, "Background Note: Tanzania."
- xxxi Department of State, "Background Note: Venezuela."

All numbers are from the State Department's budget justification (February 2003) and include funds requested under the Foreign Military Financing (FMF) and International Military Education and Training (IMET) programs.