

US UNILATERALISM

OFFICIAL FOREIGN COMMENTS

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January 2002

Werkgroep Eurobom

PENN-Nederland

US Unilateralism

January 2002

Working Group Eurobomb is the Netherlands part of the international PENN network set up with the following aims:

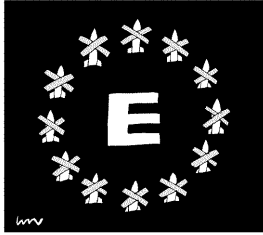
- to monitor official discussions about the future of nuclear weapons in Europe and to help make them more transparent
- to publish analyses and political commentaries on these developments
- to promote further nuclear disarmament steps in Europe and substantial European contributions to nuclear arms control, disarmament and non-proliferation
- to promote full compliance with the Non-Proliferation Treaty by NATO, the European Union and their member states
- to encourage the creation of political obstacles to developments which might lead to a nuclear armed European Union
- and to promote developments encouraging the European Union and all its member states to become non-nuclear members of the NPT.

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Working Group Eurobomb

PENN/Netherlands MPI/Netherlands

FACTS AND REPORTS

January 2002 – No. 1

INTRODUCTION

The system of treaties designed to regulate international affairs has been seriously damaged the last few years. On a number of occasions key countries have declared their unwillingness to continue supporting this framework of international treaties or more precisely, to support only those parts of it which they determined to be in accordance with their national interests. Unfortunately the United States, the world's sole remaining superpower, has played a leading role in this selective interpretation of international law. Others have followed its example, as a survey of the various international agreements shows. There has been widespread criticism of this American 'unilateralism'. This report has been compiled as a handy reference to these various reactions. It deals in separate sections with six international agreements which have not come into force or not been ratified for various reasons. At the beginning of each section basic data on the treaty are summarised, including its present status. The main part of the section consists of quotes from politicians, diplomats and opinion leaders expressing their concern about the treaty in question. We trust it will be a useful source for all those dealing with these issues.

PENN-Netherlands
January 2002

ANTI-BALLISTIC MISSILE TREATY

Treaty on the Limitation of Anti-Ballistic Missile Systems. The parties undertake not to build nationwide defences against ballistic missile attack. It limits the development of permitted strategic missile defences. The treaty prohibits the parties from making air defence missiles, radars or launchers capable of countering strategic ballistic missiles and testing them in a strategic ABM mode.

Signed by the USA and the USSR at Moscow on 26 May 1972; Entered into force on 3 October 1972

Comments

The USA declared the intention to withdraw from the ABM Treaty on 13 December 2001. President Bush said: "Today, I have given formal notice to Russia, in accordance with the treaty, that the United States of America is withdrawing from this almost 30 year old treaty. I have concluded the ABM treaty hinders our government's ability to develop ways to protect our people from future terrorist or rogue state missile attacks." (The White House, Office of the Press Secretary, Remarks by the President on National Missile Defense, December 13, 2001).

Quotations (countries by alphabet)

Austria

Foreign Minister Benita Ferrero-Waldner: "I think it is very important that the United States really contacts the allies... There should not be any unilateral actions with regard to treaties like the ABM Treaty..." (Bush defense plan worries Europe, Associated Press, May 3, 2001)

Canada

Foreign Minister John Manley: "I think that when you look at the question of ABM, for example, we all agree ABM is one of the fundamental building blocks of the existing security system. But what a flawed system! Thousands of nuclear warheads. Thousands... I think that one of the positive indications that we have [from the Bush administration] is [the prospect of] a sharp reduction in the number of those warheads, a sharper reduction than most people were anticipating in START III, for example. So I think that Canadians should have an informed and thorough debate about this, but it should be in the context of global realities." (Evidence to the House of Commons Standing Committee on Foreign Affairs and International Trade, May 3, 2001)

Unnamed official, May 14: "If we don't support NMD, it's the end of NORAD [the US-Canada North American Aerospace Defence Command]. So we will play a role to try to safeguard the Anti-Ballistic Missile Treaty and work with our European allies on that, but, in the end, Canada will support the United States."

(Canada to back missile shield, The National Post, May 14, 2001)

China

Chinese Foreign Ministry spokesperson Zhu Bangzao: "We believe the Anti-Ballistic Missile Treaty is the cornerstone for safeguarding global strategic balance and stability... If the treaty is destroyed...[this] balance and stability will be broken, and the international arms control process and non-proliferation efforts will be impeded... We hope the United States will act with great care and continue to adhere to the [ABM] Treaty and other present treaties on disarmament and arms control."

(China warns of arms race, Associated Press, May 3; China blasts US missile defense shield plan, Agence France-Presse, May 3, 2001)

Foreign Ministry spokesperson Sun Yuxi: “China’s consistent position is unchanged. We are opposed to the national missile defence system because it destroys the global strategic balance and upsets international security. ... China will not sit idly by and watch its national interests suffer harm. ... The US plan has met the opposition of many countries around the world because it harms their interests as well the interests of the United States itself... When you invent a new shield, you will invent new types of spear. It always goes like that. Therefore all new plans like this will not bring any benefit. It’s just like lifting a stone and dropping it on one’s own feet. ... [We are] more opposed to TMD...[and even] more strongly oppose calls by some people to involve Taiwan in TMD, which would violate China’s sovereignty...”
(Beijing rebuffs Washington on missile shield, Reuters, May 15; US envoy stymied at missile talks in China, New York Times, May 16; China firm on missile defense opposition, Washington Post, May 16, 2001)

Denmark

K. Erik Tygesen, Danish Ambassador to Washington: "The ABM Treaty is a cornerstone of the international order in arms control."
(30 January 2000, New York Times, "Testing a Missile and a Treaty")

France

President Jacques Chirac: “I cannot conceal my reservations about any initiative that, far from supplementing international arms control arrangements, would jeopardize the ABM Treaty, which has been one of the pillars of strategic stability for thirty years now. How can we convince countries that might be ready to renounce acquiring new weapons, when the most powerful countries feel it is necessary to develop technologies that jeopardize the strategic balance that has been so difficult to achieve?...As allies and friends, we must tell the United States of our conviction that jeopardizing this treaty could harm non-proliferation efforts and trigger a new round in the arms race.”
(Speech to Presidential Committee of the WEU Parliamentary Assembly, May 30, 2000)

President Jacques Chirac: “We are also engaged today in a wider debate over the changing strategic balance. This debate began several years ago with the ending of the Cold War, and we have still by no means drawn all the conclusions from it. A more specific debate is now in progress concerning America’s anti-missile project. France stands ready to participate actively in that discussion to the full. But it wishes to reiterate its belief in three fundamental principles:
first, the need to preserve the strategic balances, of which the ABM Treaty is a pillar. If we are to envisage a new framework, one that takes account of the emergence of a multipolar world, then we must ensure that it contains binding provisions designed to guarantee international stability;
[...]"
(NATO website – Remarks to NAC, June 2001)

Germany

Foreign Minister Joschka Fischer: “The ABM Treaty worked well. We want control mechanisms that worked well in the past to be replaced only by better ones or more effective ones. We don't want there to be a new arms race.”
(3 May 2001, New York Times, “Global Reaction to Missile Plan Is Cautious”)

Kazakhstan

President Nursultan A. Nazarbayev: “Any state has the right to defend itself as it sees fit. But such one-sided decisions [as NMD] could launch a new arms race that Russia is weak and China is also unable to respond. ... Russia’s weakness is not a permanent condition. And China, too, will respond to unilateral American steps.”
(Kazakhs take strong issue with Bush’s missile project, New York Times, May 21, 2001)

Netherlands

Prime Minister Wim Kok: On the response to the new threats, including a discussion on Missile Defense, close and serious consultations among the Allies, but also with Russia and China, are very much needed. Our goal must be and remain to achieve more stability and more security - not less. It is my firm conviction that a unilateral abrogation of the ABM Treaty by the US would not be the right approach. This does not mean of course that it could not be adjusted or replaced by a new treaty, in mutual agreement."

(NATO Website – Remarks to NAC, June 2001)

Norway

Bjorn Tore Godal, Defense Minister: "We still support the ABM treaty and we are concerned about the potential negative effects of a decision to deploy NMD."

(9 February 2001, Associated Press, "Europe Unhappy With US Missile Plan")

Others

Jean Chrétien, Canadian Prime Minister and Vladimir Putin, President of Russian Federation: "Canada and the Russian Federation agree that the 1972 Anti-Ballistic Missile Treaty is a cornerstone of strategic stability and an important foundation for international efforts on nuclear disarmament and non-proliferation. The two countries hope for the earliest entry into force and full implementation of the START II Treaty. They also hope for conclusion of a START III Treaty as soon as possible, including far-reaching reductions in strategic offensive weapons while preserving and strengthening the ABM Treaty."

(Joint Statement of Prime Minister of Canada and President of Russian Federation, 18 December 2000)

Richard Butler, former Australian Ambassador to the UN and Executive Chair of the UN Special Commission on Iraq (UNSCOM): "The Bush administration's decision...will shake, to the foundations, the key international agreement which has supported an almost 40-year effort to prevent the spread of nuclear weapons - the [NPT]... The proposed cuts in American nuclear weapons...must be welcomed... But if they are made contingent on Russia agreeing to amendment or abandonment of the ABM Treaty - and to American deployment of a national missile defence system - Mr. Bush's proposal would contradict the commitment made in May 2000 by the United States [at the NPT Review Conference], and the fundamental legal commitment made in the...treaty. ... A more constructive plan of action by the United States would have included specific proposals for deep cuts in strategic nuclear weapons, followed by the engagement of other nuclear-weapons states in further reductions; the standing down of strategic nuclear weapons from their Cold War state of hair-trigger alert; the entry-into-force of the Comprehensive Test Ban Treaty; and the early negotiation of a treaty banning the manufacture of fissile material for weapons purposes. An overwhelming majority of countries support these steps. If they were taken, the obvious right of the United States to continue to conduct research into defensive technologies would be seen in an entirely different light. ... Reduction of the nuclear threat can best be accomplished through arms control and disarmament. This would cost a fraction of what the administration will need for missile defence. Building a wall, rather than tackling the problem head on, is both to retreat and, in this case, to condemn all of us to failure."

(Restarting the nuclear race, by Richard Butler, New York Times, May 2, 2001.)

Russia

Foreign Minister Igor Ivanov: "President Vladimir Putin has suggested a political program for a reduction in strategic offensive arms and the preservation of ABM.... But in any case, in such a delicate matter as international security, it is inadmissible to take reckless steps which can destroy the work of the existing mechanisms ensuring international stability and security, with no guarantees that the new schemes will be more effective."

(May 4, 2001 press conference following Russian-Indian talks in New Delhi)

Foreign Minister Igor Ivanov: "I will be frank with you by saying that the reasoning over [NMD] so far fails to convince us, as well as the majority of the world's nations, to the effect that the potential threats require the dismantling of the entire body of agreements on disarmament."
(Quoted by Channel NewsAsia, May 20, 2001)

Defense Minister Sergei Ivanov: "It is important for everyone to understand that the loss of the juridical validity of the ABM Treaty would entail absolutely unpredictable consequences because 32 international agreements on arms limitations and non-proliferation are linked to the ABM Treaty. You cannot take away a brick and expect the wall to stand as it was."
(Quoted by Interfax, May 28, 2001)

President Vladimir Putin: "There is no direct linkage in the Treaty, but non-proliferation accords are nonetheless connected with the 1972 ABM Treaty. And if we abandon it entirely, it is far easier for the threshold states to declare themselves to be nuclear powers. Will the world be safer as a result? I doubt it."
(June 18, 2001 interview with American journalists in Moscow)

President Vladimir Putin: "We regard with a certain degree of alarm the possibility of unilateral actions of some kind, although we are prepared for them. I am confident that for the next 25 years at least this will not do substantial damage to Russia's national security.... Moreover, if we encounter unilateral actions and the dismantling of the START I and START II treaties, I think our nuclear potential will be strengthened. That will require practically no financial injections. If you look at the START II treaty you will understand what I am talking about. I am talking about the fact that new warheads can be put on existing missiles. Indeed, the money is negligible, it will cost almost nothing. So Russia's nuclear potential will increase many times over. Many times over."
(June 18, 2001 interview with U.S. journalists in Moscow)

President Vladimir Putin: "When we hear...that some programme or other will be carried out with or without us - well, we can't counter that. ... We cannot force anyone to cooperate with us, nor will we try to. We offer our cooperation. ... If that is not needed, fine. We are ready to act on our own. But what will this lead to? For connected with this Treaty are, say, the Treaties on the Reduction of Strategic Offensive Arms - START I and START II - and they contain a mechanism for verification and monitoring in the nuclear-missile sphere. Let us assume that we're speaking about the reduction of strategic offensive arms. Imagine we're...discarding the ABM Treaty of 1972. This means that automatically we exclude START I and START II from the practice of international relations. And if this is so, then we will not be able to monitor each other and see how many missiles we've removed from service. ... [We] unscrewed a warhead - [did we] put it nearby or did we destroy it? This so called 'return potential' of both Russia and the United States can be so large that the questions of nuclear arms control will altogether cease to exist. There will be no control at all. ... We aren't intruding, we aren't threatening or blackmailing anyone. We offer cooperation. And if it is acceptable, then we will do that with pleasure. If not - well, we will then act on our own. I don't think that the States and Russia and then all mankind too will benefit from this. I think not. ...'
(June 18, 2001 interview with U.S. journalists in Moscow)

President Vladimir Putin: "We are being told that, for example, something has become outdated, like the ABM Treaty of 1972. We aren't saying that, we are being told so. We do not agree that this treaty has become outdated, but still, showing a good will, we are ready for negotiations."
(September 1, 2001 interview with *Helsingin Sanomat*, a Finnish newspaper)

President Vladimir Putin: "Today's system of international security is largely based on the ABM Treaty of 1972. The START I treaty is connected with it, and so is the START II treaty, which we have ratified. Our U.S. partners so far haven't, unfortunately. Associated with it is a whole series of other international legal obligations in this sphere, in the sphere of international security, approximately 30 treaties and agreements. This will be destroyed overnight."
(September 19, 2001 interview with German ARD Television Company)

Shanghai Five

Communiqué issued by the ‘Shanghai Five’ group of states (China, Kazakhstan, Kyrgyzstan, Russia, Tajikistan), Moscow, April 28: “The [Foreign] Ministers reconfirm their support for safeguarding and abiding by the 1972 ABM Treaty as the cornerstone of strategic stability and a basis for reductions of strategic offensive weapons... [The Ministers] are against any attempts to undermine the treaty which would lead to unpredictable consequences for the cause of peace and security [and] start a chain reaction of proliferation of missiles and missile technologies.”

(Russia, China, Central Asians attack US plan, Reuters, April 28, 2001)

South Korea

Rep. Chun Yong-taik, Chairman of the South Korean National Assembly Defense Committee, (on U.S. plans for a NMD system): "The plan is technically nonviable and politically undesirable. The only solution to North Korea's missile program [a key reason cited by U.S. Defense Secretary Donald Rumsfeld for its necessity] is a political solution."

(29 January 2001, Korea Times, Seoul Remains Concerned About NMD)

Sweden

Foreign Minister Anna Lindh: “We urge President Bush to abstain from the national missile defence, just as we urge China, India and Pakistan to discontinue their nuclear arsenals. ... There is a risk that other countries will use this decision as an excuse for improving their own nuclear weapon programmes and that the world will be led into a new spiralling arms race... It would be quite regrettable if President Bush were to declare the ABM Treaty null and void without international negotiation and checks.”

(China warns on missiles, Russia ready to talk, Reuters, May 2; US missile shield could relaunch arms race - Swedish FM, Agence France-Presse, May 2, 2001)

Ukraine

First Deputy Foreign Minister Olexander O. Chalyi: “We reaffirm the importance of the Anti-Ballistic Missile Treaty as one of the pillars of strategic stability, and we wish to see the treaty preserved. We believe that any possible actions of the party to this treaty in order to decrease the possibility of a missile attack should not contradict the treaty obligations. We call upon the parties to the treaty to find a mutually acceptable solution to this problem, that would enable to preserve the arms control treaties (ABM Treaty, INF Treaty, START Treaty) and strategic stability.”

(Statement to nuclear Non-Proliferation Treaty Review Conference, April 25, 2000)

United Nations

Secretary-General Kofi Annan: “The Secretary-General has noted with regret the decision of the United States of America to withdraw unilaterally from the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems. The ABM Treaty has served for many years as a cornerstone for maintaining global peace and security and strategic stability. He is concerned that the annulation of this treaty may provoke an arms race, especially in the missile area, and further undermine disarmament and non-proliferation regimes. He calls upon all states to explore new binding and irreversible initiatives to avert such unwelcome effects.”

(14 December 2001, UN Web Site, Statement of the Secretary-General)

Spokesperson for Secretary-General Kofi Annan: “The Secretary-General believes that, in promoting respect for the rule of law in international affairs, there is a need to consolidate and build upon existing disarmament and non-proliferation agreements, specifically to prevent a new arms race and to maintain the non-weaponised status of outer space. In this context, the Secretary-General appeals to all states to engage in negotiations towards legally-binding agreements that are both verifiable and irreversible.”

(UN Press Release SG/SM/7788, May 1, 2001)

BIOLOGICAL WEAPONS CONVENTION

Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

Opened for signature at London, Moscow and Washington, DC, on 10 April 1972; entered into force on 26 March 1975

Comments

The Verification Protocol to the BWC was blocked by the USA on 7 December 2001

Quotations

European Union

EU Statement in reaction to US proposal at the Conference: "deeply regretted" what happened. "In view of the special situation resulting from the terror attacks of Sept. 11 and the anthrax attacks, the European Union entered the . . . conference with pragmatism and realism."

(Associated Press, 8 December 2001)

India

Indian Ambassador to the Conference Rakesh Sood in reaction to US proposal at the Conference: "It left everybody shocked and stunned."

(Associated Press, 8 December 2001)

Mexico

Statement to UN General Assembly First Committee: "Mexico regrets that after more than six years of negotiations during which the international community invested a great deal of effort and resources, it has not been possible for fulfill the mandate of the ad hoc working group of the Convention on the Prohibition of Biological Weapons, that is to say, to elaborate a Protocol for verification of compliance with this legal instrument."

(Statement by Ambassador Gustavo Albin to the First Committee, New York, 8 October 2001)

NGO's

Martin Butcher, director of security programs for Physicians for Social Responsibility: "Since the Anthrax letter attacks, biological weapons are recognized as a major threat to U.S. and global security. Negotiating an enforcement mechanism would have been a major step forward in preventing the spread and use of these dreadful weapons of mass destruction. In killing the talks, the administration puts Americans at risk. The administration is being hypocritical. They claim to be fighting the menace of biological weapons, but are walking away from a treaty that would further that goal. They are preparing a public health response to an attack, but blocking diplomatic initiatives that could prevent one."

(Press Release, 7 December 2001)

United States

John R. Bolton, Under Secretary of State for Arms Control and International Security: "The United States has repeatedly made clear why the arms control approaches of the past will not resolve our current problems. This is why we rejected the flawed mechanisms of the draft Protocol previously under consideration by the Ad Hoc Group. Countries that joined the BWC and then ignore their commitments and certain non-state actors would never have been hampered by the Protocol. They would not have declared

their current covert offensive programs or the locations of their illegal work -- nor would the draft Protocol have required them to do so. By giving proliferators the BWC stamp of approval, the Protocol would have provided them with a "safe harbor" while lulling us into a false sense of security. Although the United States has been criticized publicly -- both in the media and by foreign governments -- for rejecting the draft Protocol, many of those same governments have told us privately that they shared America's reservations, describing the draft as "flawed" or "better than nothing." Do we really believe that a Protocol that would allow violators to conduct an offensive biological weapons program while publicly announcing their compliance with the agreement is "better than nothing?" We think not. We can -- and must -- do better. Before we consider new ways to strengthen the Biological Weapons Convention, however, we must first confront the failure of many states to abide by that very document. Too many states are parties to the BWC but have not lived up to their commitments. Any nation ready to violate one agreement is perfectly capable of violating another, denying its actual behavior all the while. The United States will simply not enter into agreements that allow rogue states or others to develop and deploy biological weapons. We will continue to reject flawed texts like the draft BWC Protocol, recommended to us simply because they are the product of lengthy negotiations or arbitrary deadlines, if such texts are not in the best interests of the United States and many other countries represented here today."

(Statement to the Fifth Review Conference of the Biological Weapons Convention, 19 November 2001)

John R. Bolton, Under Secretary of State for Arms Control and International Security, United States Department of State: "The Draft Protocol that was under negotiation for the past seven years is dead in our view. Dead, and it is not going to be resurrected."

(US State Department, Transcript: Bolton Briefing on Biological Weapons Pact, 19 November, 2001).

COMPREHENSIVE TEST BAN TREATY

The treaty prohibits the carrying out of any nuclear weapon test explosion or any other nuclear explosion, and urges each party to prevent any such nuclear explosion at any place under its jurisdiction or control and refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion. The treaty will enter into force 180 days after the date of the deposit of the instrument of ratification of the 44 states listed in an annex to the treaty. All these states possess nuclear power reactors and/or nuclear research reactors.

Comments

The CTBT has not been signed by India and Pakistan, amongst others. It has been signed but not yet ratified by China, Israel and the USA, amongst others. The US Senate rejected ratification in October 1999. In November 2001 a Conference on Facilitating the Entry into Force of the CTBT took place in New York.

Quotations

Australia

Foreign Minister Alexander Downer: "I am deeply disappointed and concerned... The US Senate's decision is a significant blow... [K]ey countries such as Russia, China, India and Pakistan have not ratified. Without US ratification, the pressure on these other countries...is significantly less. The Government made intensive efforts to persuade Senators... I wrote to 12 key Republican Senators... The Governments of France, the UK, Germany and Canada also made high-level efforts... Australia has worked consistently to build support for the Treaty... In 1996 I led the exercise which took the CTBT from the Conference on Disarmament, where it had stalled, to the UN General assembly where it received overwhelming support... I would not want that effort to go to waste."

(US Senate failure on nuclear test ban treaty, Department of Foreign Affairs and Trade Media Release FA 112, 14 October 1999)

Canada

Foreign Minister Lloyd Axworthy: "A world accustomed to US leadership in the cause of non-proliferation and disarmament can only be deeply disturbed by this turn of events, which will be welcomed by those who remain uncommitted to that cause. ... I welcome the Administration's commitment to continue its moratorium on nuclear testing, and hope the US Senate will reconsider its decision on the CTBT in the near future..."

(Canada regrets US Senate nuke treaty vote, Reuters, 14 October 1999)

China

Foreign Ministry spokesperson Zhang Qiyue: "China deeply regrets that the US Senate voted to reject the ratification... The United States, as one of the 44 countries whose ratification is required for the enforcement of the treaty, has great influence on bringing the pact into force. ... China's position [of intending to ratify] remains unchanged."

(China to speed up CTBT ratification, Reuters, 14 October 1999)

H. E. Amb. Shen Guofang, Head of the Chinese Delegation at the 2nd Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty: "It is notable that regrettable voices have been uttered in the process of endeavoring for an early entry into force of the CTBT. The 1st Conference on Facilitating the Entry into Force of the CTBT had barely concluded, a country explicitly refused to ratify the treaty. More recently, it even asserted that it would participate in the work of the PrepCom for CTBTO selectively."

(Statement, New York, 12 November 2001)

CTBTO Prepcom

Wolfgang Hoffmann, Executive Chairman of the CTBTO PrepCom: "We are aware that the United States Senate voted yesterday not to give its advice and consent [to the treaty]... We have noted, however, that President Clinton announced that the United States will maintain the moratorium...and continue to press for ratification... We, in the Provisional Technical Secretariat, will continue to build upon the global verification regime, which will take several more years. We hope that during this time the United States will see its way to ratifying the CTBT."

(CTBTO PrepCom Press Release, 14 October 1999)

Ambassador Mokhtar Reguieg, Chairman of the Preparatory Commission for the Comprehensive Test Ban Treaty Organization (CTBTO PrepCom): "The failure of the United States Senate thus far to ratify the [treaty]...sets back our hopes for early entry into force... However, we welcome the announcement of President Clinton that the US would retain its moratorium against nuclear explosions and abide by the terms of the [treaty]... We hope that President Clinton's expression of determination to achieve United States' ratification of the Treaty will be realized in due course. In the meantime, the [CTBTO PrepCom] will continue with the build-up of the global verification regime, which has to be operational at entry into force of the CTBT. The determination of the international community to achieve entry into force soon remains steadfast."

(CTBTO PrepCom Press Release, 15 October 1999)

Czech Republic

Foreign Ministry statement: "The first review conference of the CTBT signatories...produced a stimulus for the process and created hope that the matter of the ratification by the United States would be resolved shortly. Therefore, the Czech Republic regrets the decision of the United States Senate...which can also have [an] impact on the position of other nuclear powers... However, the Czech Republic believes that the discussion has not ended, as the ratification is a necessary prerequisite of the Treaty's coming into force."

(Embassy of the Czech Republic in Washington, 14 October 1999)

European Parliament

Resolution

PASSED 28 October 1999

Joint motion for a resolution on the US Senate's rejection of the Comprehensive Nuclear Test Ban Treaty

Pursuant to Rule of 37(4) of the Rules of Procedure,

- having regard to the final declaration unanimously adopted at the CTB Conference in Vienna on 8 October 1999,

- taking into account the decision of the Senate of the USA of 13 October 1999 in rejecting the ratification of the CTBT,

- taking into account the declarations of the Secretary-General of the United Nations, of the European Council in Tampere and of various heads of State and Government, in particular the ones directed to the President of the USA, regarding the abovementioned decision of the American Senate,

- having regard to its earlier resolutions on nuclear disarmament, nuclear proliferation and nuclear testing, in particular its resolution of 19 November 1999 on the New Agenda Coalition on Nuclear Disarmament,

A. whereas the United States Senate has voted down the global treaty banning nuclear tests, designed to halt the spread of nuclear weapons,

B. whereas it is the first time the US Senate has rejected a nuclear arms control pact,

C. whereas in the USA (as well as in Europe) numerous polls have shown that there is overwhelming public support for ending nuclear testing,

D. whereas the CTBT has already been signed by more than 150 countries, but cannot come into force until it is ratified by all 44 countries judged to have nuclear capability,

E. noting that apart from the US, seventeen other States have not yet ratified the CTBT, amongst them the Russian Federation, China, Iran, Israel, India, Pakistan, and the People's Republic of Korea,

F. emphasising that the decision by the US Senate not to ratify the CTBT may have serious consequences as at the time of the renewal of the Non-Proliferation Treaty for an indefinite period the prospect of the entry into force of the CTBT played a crucial role,

G. noting that the Treaty rejection was made despite an open letter in the New York Times on 8 October 1999 in which French President Chirac, British Prime Minister Blair and German Chancellor Schroeder together called on the USA to ratify the CTBT,

1. Strongly criticises the US Senate's irresponsible attitude with its vote on 13 October 1999 to reject ratification of the Comprehensive Test Ban Treaty; welcomes, however, the declaration by President Clinton that the US will in the meantime continue its policy of not conducting any nuclear testing;

2. Reminds the US Senate and the international community that such non-ratification could have serious consequences for the fragile worldwide system of treaties against the proliferation of weapons of mass destruction and therefore for world security; for that reason, remains convinced that the CTBT is strongly in the interest of all states as an essential barrier to the proliferation of nuclear weapons;

3. Calls upon all states that have not yet signed the Treaty to sign it without delay and in the meantime to refrain from acts that would defeat its object and purpose;

4. Furthermore, urges all those states which have yet to ratify to do so rapidly, in particular those seventeen states whose ratification is necessary to bring the Treaty into force;

5. Above all, and most importantly, urges the US Senate to re-examine the matter with a view to obtaining US ratification of the CTBT Treaty without delay;

6. Calls on the Presidency of the Council to ensure that these issues are raised during the forthcoming EU-US Summit, stressing EU support for the ABM Treaty and the CTBT, and further calls on the Commission and Council to raise CTBT ratification at all future bilateral meetings with US counterparts until the Treaty is ratified;

7. Calls on the EU, its Member States and the applicant countries to take up the challenge of adopting a leadership role in all issues of nuclear disarmament;

8. Instructs its President to forward this resolution to the Commission, the Council, the governments of the Member States, the US Government and the US Senate.

European Union

Statement by Belgium on behalf of the European Union to the UN General Assembly First Committee: expressed "regret" at the US announcement that it "will not longer take part in certain activities arising from the Treaty and that it is not intending to review its position regarding ratification. This is a matter of concern for us, especially since the United States has up to now played an important role in nuclear arms control, particularly in the framework of the CTBT."
(October 2001)

H.E.Mr. Louis Michel, Deputy Prime Minister and Minister of Foreign Affairs of Belgium on Behalf of The European Union: "In accordance with the obligations entered into on signing and ratifying the CTBT, the Member States of the European Union remain committed to the full establishment of the verification régime and the early entry into force of the Treaty. In this respect, the European Union wishes to recall the statement made by the United States of America at the 15th CTBTO Preparatory Commission meeting, on 21 August 2001.

While welcoming the fact that the United States has declared its intention to maintain its moratorium on nuclear testing, we can only regret the United States' announcement that it will cease to participate in certain activities arising from the Treaty and that it does not plan to reconsider its position on ratification. This is all the more worrying given that until now the United States has played a key role in nuclear arms control, in particular within the framework of the CTBT.

The European Union appeals to the government of the United States, urging it to review its position and participate in our joint endeavors to implement the ban on all nuclear weapon test explosions and all other nuclear explosions."

(Statement at the Second Conference on Facilitating the Entry into Force of the Comprehensive Nuclear Test Ban Treaty, New York, 11 November 2001)

France

Foreign Ministry Deputy Spokesperson: "The refusal of the United States Senate to ratify...goes against the process of disarmament and the fight against nuclear proliferation. The decision will affect the credibility of the United State's role in this domain. France is but the more determined to assume its responsibilities, as it has done so far, as a responsible nuclear power resolved to maintain strategic stability. It urges all the countries that have not yet signed or ratified the CTBT to do so."

(French Embassy in Washington, 14 October 1999)

Germany

Joschka Fischer, Minister for Foreign Affairs: "We appeal to the US and China as nuclear-weapon states to ratify the Treaty and so help it achieve universal validity. As nuclear-weapon states, they can make a special contribution to giving international non-proliferation policy the impulse it so urgently needs."

(Address at the Second Conference on Facilitating the Entry into Force of the Comprehensive Test Ban Treaty, New York, 11 November 2001)

Germany and Sweden

Joint Statement by German Foreign Minister Joschka Fischer and Swedish Foreign Minister Anna Lindh, Stockholm: "We are deeply disappointed... This decision is a serious setback for nuclear non-proliferation and disarmament. It is a wrong signal which we deeply regret... Only a mutual commitment can prevent at this critical juncture new nuclear testing and the development of new nuclear weapons. ... We hope that President Clinton and his Government can find ways to further his intention to have full US backing for the...treaty."

(Global dismay at US Senate nuclear ban rejection, Reuters, 14 October 1999; Germany says US nuke rejection a serious setback, Reuters, 14 October 1999; World dismayed by US Treaty vote, Associated Press, 14 October 1999).

India

Foreign Ministry statement: "1. India's position on the CTBT was...reiterated by the Prime Minister in Parliament on 15 December, 1998, as follows: 'India is now engaged in discussions with our key interlocutors on a range of issues, including the CTBT. We are prepared to bring these discussions to a successful conclusion, so that the entry into force of the CTBT is not delayed beyond September 1999. We expect that other countries, as indicated in Article XIV of the CTBT, will also adhere to this Treaty without conditions.'

2. The Prime Minister has also announced a voluntary moratorium on any further underground nuclear explosive tests. India also has an unwavering commitment to the elimination of all weapons of mass destruction and to universal nuclear disarmament.

3. The situation regarding ratification of the CTBT, as well as the debate in the US Senate, clearly indicates that the CTBT is not a simple, uncomplicated issue. Among other things, it requires building a national consensus in the countries concerned, including India."

(Government of India website, 14 October 1999)

Japan

Foreign Minister Yohei Kono: "Despite the U.S. Administration's strenuous efforts, the U.S. Senate rejected the proposal to ratify the CTBT in its plenary session. Japan is concerned about the possible negative impacts that this rejection may have on world nuclear disarmament and nuclear non-proliferation in coming years. The situation should be deemed serious.

On the occasion of the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), Japan strove to ensure that this Conference would send a strong message to the international community for an early entry into force of the CTBT. Since Japan has expected U.S. leadership toward nuclear disarmament and nuclear non-proliferation throughout the world, this outcome is indeed regrettable. Japan strongly urges both the U.S. administration and the Senate to take necessary measures

soon lest the CTBT, created by the international community with immense wisdom and energy, should lose its credibility and significance.”

(Statement by Foreign Minister Yohei Kono on the Refusal by the U.S. Senate to Ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) (October 14, 1999)

Prime Minister Keizo Obuchi: “Prompt implementation of the treaty is extremely important to ensure nuclear non-proliferation and promote nuclear disarmament.”

(Letter from Prime Minister Keizo Obuchi to President Clinton, relayed to reporters by Government spokesperson Mikio Aoki, 18 October 1999; Japan PM urges Clinton to push test ban treaty, Reuters, 18 October 1999)

NATO

Secretary-General Lord Robertson: “[I]t's a very worrying vote... I think it has a lot to do with the partisan nature of American politics at the moment and the sort of febrile atmosphere that comes with a Presidential election on the horizon.”

(Global dismay at US Senate nuclear ban rejection, Reuters, 14 October 1999)

Netherlands

Government statement: “The Netherlands Government is seriously alarmed by the US Senate's rejection... The CTBT, which, after years of negotiations, was concluded in 1996 under Dutch Chairmanship of the UN Conference on Disarmament, is an important contribution to the worldwide efforts toward non-proliferation and nuclear disarmament. For the Netherlands, the CTBT is an important step on the road towards a nuclear-weapon-free world. The US Senate's rejection seriously complicates the Treaty's entry into force. The US Administration noted before the Senate vote that the Treaty's rejection would not be the end of the story. The Netherlands Government therefore hopes that a way can be found to allow the US to ratify the Treaty.”

(Netherlands Embassy in Washington, 14 October 1999)

New Zealand

Foreign Minister Don McKinnon: “The US Administration made every effort to secure Senate ratification... We in New Zealand share their regret that these efforts proved unsuccessful. This is not by any means the end of the road. ... New Zealand for its part will continue to press for the ban on nuclear testing to become universal, as well as calling for more rapid progress towards the elimination of all nuclear weapons.”

(Ministry of Foreign Affairs, 14 October 1999)

Norway

Mr. Leif A. Ulland, Ambassador, Special Adviser on Disarmament, Ministry of Foreign Affairs, Oslo: “The position of the nuclear powers is of crucial importance to the CTBT. Self-imposed moratoria on nuclear testing are a useful measure pending the entry into force of the Treaty, but cannot replace the legally binding commitments represented by signing and ratification. We were disappointed by the recent announcement by the United States to withdraw from certain activities under the Treaty and not to reconsider its position on ratification. We appeal to all countries that have not done so to sign and ratify the Treaty unconditionally and without delay, and hope in particular that the US and China will soon follow the UK, France and Russia.”

(Statement to the General Assembly of the UN on disarmament, New York, 10 October 2001)

Others

Appeal to the Senate by the Leaders of Britain, France and Germany: “During the 1990s, the United States has made a vital contribution to arms control and non-proliferation. Thanks to the common resolve of the world's powers, we have achieved a substantial reduction in nuclear arsenals, the banning of chemical weapons, the indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty and, in 1996, the conclusion of negotiations on the Comprehensive Test Ban Treaty. South Africa, Ukraine, Kazakhstan

and Belarus have renounced their nuclear weapons in the same spirit. The decisions we take now will help determine, for generations to come, the safety of the world we bequeath to our children. As we look to the next century, our greatest concern is proliferation of weapons of mass destruction, and chiefly nuclear proliferation. We have to face the stark truth that nuclear proliferation remains the major threat to world security.

Failure to ratify the Comprehensive Test Ban Treaty will be a failure in our struggle against proliferation. The stabilising effect of the Non-Proliferation Treaty, extended in 1995, would be undermined. Disarmament negotiations would suffer. Over half the countries that must ratify the new treaty to bring it into force have now done so. Britain, France and Germany ratified last year. All the political parties in our countries recognize that the treaty is strongly in our national interests, whether we are nuclear powers or not. It enhances our security and is verifiable.

The treaty is an additional barrier against the proliferation of nuclear weapons. Unless proliferators are able to test their nuclear devices, they can never be sure that any new weapon they design or build is safe and will work. Congress realised this when it passed a law in 1992 compelling the United States Presidential Administration to seek the conclusion of a Comprehensive Test Ban Treaty by 1996. It was a welcome move for the world's strongest power to show the way.

The treaty is effectively verifiable. We need have no fear of the risk of cheating. We will not be relying on the good will of a rogue State to allow inspectors onto its territory. Under the treaty, a global network of stations is being set up, using four different technologies to identify nuclear tests. The system is already being put in place. We know it will work. Opponents of the treaty claim that, without testing, it will not be possible to guarantee the continuing safety and reliability of nuclear weapons. All nuclear powers, including the United States, Britain and France, examined this issue carefully. With the right investment and modern technology, the necessary assurance of safety and reliability can be maintained without further nuclear tests. Rejection of the treaty by the Senate would remove the pressure from other States still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies have worked side by side for a Comprehensive Test Ban Treaty since the days of President Dwight D. Eisenhower. This goal is now within our grasp. Our security is involved, as well as America's. For the security of the world we will leave to our children, we urge the United States to ratify the treaty."

(‘A Treaty We All Need,’ article by Prime Minister Tony Blair, President Jacques Chirac & Chancellor Gerhard Schroeder, The New York Times, 8 October 1999)

Pakistan

Opposition leader Naveed Qamar: "Every country will use it as an excuse not to sign..."
(World dismayed by US Treaty vote, Associated Press, 14 October 1999)

Philippines

Foreign Secretary Domingo Siazon: "This is an enormous blow to all our efforts to make the world a safer place to live in."
(Asia dismayed by US treaty vote, Associated Press, 14 October 1999)

Russia

Foreign Ministry spokesperson Vladimir Rakhmanin: "This decision is a serious blow to the entire system of agreements in the field of nuclear disarmament and non-proliferation. ... We express our disappointment and serious concern in connection with the rejection of the treaty by the US Senate. The US Administration worked very actively on all stages of its development and was first to sign it. ... There is a definite trend visible in recent times in US actions and it causes deep alarm. Apart from the failure to ratify the CTBT, there is the adoption of a law on a national anti-missile defense system and a new threat of sanctions in the area of export controls and a number of other steps which are destabilising the foundations of international relations."

(Global dismay at US Senate nuclear ban rejection, Reuters, 14 October 1999; Russia concerned by US Senate nuclear vote, Reuters, 14 October 1999)

Foreign Ministry statement, referring to a message conveyed to Secretary Albright by Foreign Minister Igor Ivanov, 16 October: "The US Senate's refusal to ratify the CTBT creates serious difficulties for the continuation and direction of other disarmament processes."
(Russia sees serious problem from US nuclear vote, Reuters, 17 October 1999)

South Africa

Foreign Ministry statement: "[T]his development undermines the gains already achieved by the international community in nuclear non-proliferation and disarmament. The South African Government had hoped that the United States would achieve bipartisan consensus to enable the United States Government to ratify this treaty and join the international community in reinforcing the legal force and moral authority of the CTBT. The South African Government urges the United States Senate to reconsider its view on ratification and how it could add to the 'Principles and Objectives for Nuclear Disarmament and Non-Proliferation' adopted at the 1995 [NPT] Review and Extension Conference...thereby permitting progress in the quest to rid the world of weapons of mass destruction."
(South African Government website, 14 October 1999)

South Korea

Foreign Ministry statement: "Since [the] CTBT is an important treaty that forms the basis of a nuclear non-proliferation structure, we hope that the United States, which has been leading such international efforts, would continue to play its role."
(Asia dismayed by US treaty vote, Associated Press, 14 October 1999)

Sweden

Anna Lindh (Minister for Foreign Affairs): "We are deeply concerned about statements by the USA indicating that it no longer supports the CTBT. This is in glaring contrast to the fact that the USA was the first country to sign the Treaty in 1996. I have previously deeply regretted the decision in the US Senate to reject the Treaty. I do so once again, and urge the USA to reconsider its decision. What the USA does will serve as guidance for other countries".
(Press Release Permanent Mission of Sweden to the United Nations, November 11, 2001)

United Nations

Secretary-General Kofi Annan: "The Secretary-General has learned with regret of the negative vote of the Senate of the United States... Both as Secretary-General of the United Nations and in his capacity as Depositary of the Treaty, he has consistently appealed to Member States who have not done so to sign and ratify the Treaty in order that this important norm against nuclear proliferation and the further development of nuclear weapons should enter into force and become part of international law. Participants in the Conference for Facilitating the Entry into Force of the CTBT issued a Declaration in Vienna on 8 October reaffirming the importance of a universal and internationally and effectively verifiable [treaty]... The Secretary-General reaffirms this goal in view of its importance in maintaining the nuclear non-proliferation regime and progress towards nuclear disarmament."
(Secretary-General learns with regret of negative vote of United States Senate on ratification of Comprehensive Nuclear-Test-Ban Treaty,' statement by the Office of the Spokesman for the Secretary-General, UN Press Release SG/SM/7177, 14 October 1999)

United States of America

President Clinton: "I am very disappointed that the United States Senate voted not to ratify the Comprehensive Nuclear Test Ban Treaty. This agreement is critical to protecting the American people from the dangers of nuclear war. It is, therefore, well worth fighting for. And I assure you, the fight is far from over.

I want to say to our citizens, and to people all around the world, that the United States will stay true to our tradition of global leadership against the spread of weapons of mass destruction. The Senate has taken us on a detour. But America eventually always returns to the main road, and we will do so again. When all is said and done, the United States will ratify the test ban treaty.

Opponents of the treaty have offered no alternative, no other means of keeping countries around the world from developing nuclear arsenals and threatening our security. So we have to press on and do the right thing for our children's future. We will press on to strengthen the worldwide consensus in favor of the treaty.

The United States will continue, under my presidency, the policy we have observed since 1992 of not conducting nuclear tests. Russia, China, Britain and France have joined us in this moratorium. Britain and France have done the sensible thing and ratified this treaty. I hope not only they, but also Russia, China, will all, along with other countries, continue to refrain from nuclear testing. I also encourage strongly countries that have not yet signed or ratified this treaty to do so. And I will continue to press the case that this treaty is in the interest of the American people.

The test ban treaty will restrict the development of nuclear weapons worldwide at a time when America has an overwhelming military and technological advantage. It will give us the tools to strengthen our security, including the global network of sensors to detect nuclear tests, the opportunity to demand on-site inspections, and the means to mobilize the world against potential violators. All these things, the Republican majority in the Senate would gladly give away.

The senators who voted against the treaty did more than disregard these benefits. They turned aside the best advice - let me say this again - they turned aside the best advice of our top military leaders, including the Chairman of the Joint Chiefs of Staff and four of his predecessors. They ignored the conclusion of 32 Nobel Prize winners in physics, and many other leading scientists, including the heads of our nuclear laboratories, that we can maintain a strong nuclear force without testing. They clearly disregarded the views of the American people who have consistently and strongly supported this treaty ever since it was first pursued by Presidents Eisenhower and Kennedy. The American people do not want to see unnecessary nuclear tests here or anywhere around the world.

I know that some Senate Republicans favored this treaty. I know others had honest questions, but simply didn't have enough time for thorough answers. I know that many would have supported this treaty had they been free to vote their conscience, and if they had been able to do what we always do with such treaties, which is to add certain safeguards, certain understandings that protect America's interest and make clear the meaning of the words. Unfortunately, the Senate majority made sure that no such safeguards could be appended. Many who had questions about the treaty worked hard to postpone the vote because they knew a defeat would be damaging to America's interest and to our role in leading the world away from nonproliferation. But for others, we all know that foreign policy, national security policy has become just like every domestic issue - politics, pure and simple.

For two years, the opponents of this treaty in the Senate refused to hold a single hearing. Then they offered a take-or-leave-it deal: to decide this crucial security issue in a week, with just three days of hearings and 24 hours of debate. They rejected my request to delay the vote and permit a serious process so that all the questions could be evaluated. Even worse, many Republican senators apparently committed to oppose this treaty before there was an agreement to bring it up, before they ever heard a single witness or understood the issues. Never before has a serious treaty involving nuclear weapons been handled in such a reckless and ultimately partisan way.

The Senate has a solemn responsibility under our Constitution to advise and consent in matters involving treaties. The Senate has simply not fulfilled that responsibility here. This issue should be beyond politics, because the stakes are so high. We have a fundamental responsibility to do everything we can to limit the spread of nuclear weapons and the chance of nuclear war. We must decide whether we're going to meet it.

Will we ratify an agreement that can keep Russia and China from testing and developing new, more sophisticated advanced weapons? An agreement that could help constrain nuclear weapons programs in India, Pakistan, and elsewhere, at a time of tremendous volatility, especially on the Indian sub-continent? For now, the Senate has said 'no'. But I am sending a different message. We want to limit the nuclear threat. We want to bring the test ban treaty into force.

I am profoundly grateful to the Senate proponents of this treaty, including the brave Republicans who stood with us, for their determination and their leadership. I am grateful to all those advocates for arms control and national security, and all the religious leaders who have joined us in this struggle. The test ban treaty is strongly in America's interest. It is still on the Senate calendar. It will not go away. It must not go away. I

believe that if we have a fair and thorough hearing process, the overwhelming majority of the American people will still agree with us that this treaty is in our interest. I believe in the wisdom of the American people, and I am confident that in the end, it will prevail."

(Statement by the President, The White House, Office of the Press Secretary, 13 October 1999)

President Clinton: "The Senate has taken us on a detour. But America eventually always returns to the main road, and we will do so again. When all is said and done, the United States will ratify the test ban treaty."

(Indian Express, United States Senate rejects ratification of CTBT, October 15, 1999)

Secretary Albright: [...] my view maintains that eventual ratification of this Treaty, as one part of an overall nonproliferation strategy, will help guard America against nuclear dangers and make all Americans safer.

(Statement on Report on Comprehensive Nuclear Test Ban Treaty, Washington, D.C., January 5, 2001)

INTERNATIONAL CRIMINAL COURT

Permanent International Criminal Court. Statute was adopted by 120 states at the Rome Conference in July 1998. In terms of article 126, the Rome Statute of the International Criminal Court will enter into force on the first day of the month after the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession.

Signed by 139 countries, of which 48 have also ratified (31 December 2001). Not signed by India and Pakistan, amongst others. Signed but not yet ratified by Australia, Israel, Russian Federation and the USA, amongst others.

Comments

On 7 December 2001 the US Senate passed the American Servicemembers' Protection Act (ASPA), which contained a clause granting the President permission to use 'all means necessary and appropriate' to release US or allied personnel from detention by the International Criminal Court. On 21 December 2001 the US House and Senate agreed in conference committee to reject the ASPA and passed the House's Hyde Amendment, a weaker prohibitive piece of legislation barring use of Defense Department funds for any ICC related activities, in its place.

Quotations

Europe

Remarks of European Delegates to the Preparatory Commission, September 25-October 2:

- U.S. opposition to the ICC can "potentially alienate allies, thereby eroding support for the global coalition against terrorism."
- Legislation "imposing military and legal reprisals is unprecedented and unacceptable."

European Union

Text of letter to US Secretary of State Colin Powell on behalf of the European Union transmitted on October 30, 2001:

"Mr. Secretary,

Writing on behalf of the European Union, I wish to inform you of the concern felt in the Union at the prospect that the "American Servicemembers' Protection Act" (ASPA) may, with Administration support, become law.

As set out in its Common Position of 11 June 2001, the EU fully supports the International Criminal Court (ICC), in particular the early entry into force of the Rome Statute and the establishment of the Court. The United States have made clear their position on the ICC and the Rome Statute. We hope that due course they will change their mind. In the meantime, the EU particularly urges the United States not to obstruct those states which support the Court and wish to accede to it. States which support the Court and value their relations with the United States should not have to make a choice between the two.

Therefore, the EU asks you to reconsider the Administration's support to ASPA. At the very least, we would hope that the Administration will clearly indicate its intention to use the proposed wide provisions for the President to waive the Act's requirements. We would be grateful if you could clarify the Administration's intentions on this point.

Yours Sincerely,

Louis Michel"

France

Ministry of Foreign Affairs deputy Spokesperson: “A word about the International Criminal Court. France had, as you know, taken steps as presiding nation in the European Union to encourage the signing and ratification of the statute of the International Criminal Court. We're pleased that a great many states have signed the statutes of the International Criminal Court. So far, we've counted 139 signatures and 27 ratifications. We also welcome President Clinton's decision to join the states that have signed the statute; we consider it is important for these signatures to be followed by ratification so that the future commission can enter into force and be as universal as possible.”

(Daily Press Briefing, 2 January 2001)

Germany

Foreign Minister Joschka Fischer: “Adopting the ASPA would open a rift between the U.S. and the European Union on this important issue”

(Letter to Secretary of State Colin Powell, October 2001)

Italy

Gianfranco Dell'Alba, European Union delegate from Italy: "One thing is absolutely clear; any establishment of the court will require cession of some aspect of sovereignty. We can't have a court without states giving up part of their sovereignty. After 50 years, we are ready to give up sovereignty in Europe. Now is the time for the world to do a small thing in the same direction."

(Geneva, PrepCom meeting, April 1998)

Norway

Mr. Arne B. Hønningstad, Ambassador, Deputy Permanent Representative to the United Nations: “Working for our final goal - a universally accepted Court - Norway appeals once again all states to ratify or accede to the Rome Statute, while renewing our offer to share our own ratification experience with any State that may be interested.

[...]

At the end, let me revert to the beginning of my statement, and the terrorist attacks in this city on September 11. The crimes committed distinguish themselves by their extreme cynicism. They were carefully planned and organised, and demonstrated clearly an intention of killing as many innocent civilians as possible.

People who commit such crimes must be held responsible. What has just happened illustrates the need to redouble our efforts in the fight against impunity. It is against this background that Norway calls for the speedy establishment of the International Criminal Court. The establishment of the Court will represent a decisive step towards the end of impunity for the most serious crimes of international concern.”

(Statement on Establishment of the International Criminal Court, 12 November 2001)

Others

Wolfgang Schomburg, erster deutscher Richter am Jugoslawien-Tribunal: “Es wäre schön, würde Amerika erkennen, dass internationale Solidarität auch bei der strafrechtlichen Zusammenarbeit unverzichtbar ist.”

(Interview mit der Frankfurter Allgemeinen Sonntagszeitung, 2001)

United States

Elliott Abrams, Special Assistant to the President and Senior Director for Democracy, Human Rights and International Operations: “The Bush Administration is strongly committed to promoting accountability for genocide, war crimes, and crimes against humanity. That said, we have fundamental concerns about the Rome Treaty for the International Criminal Court (ICC), particularly its purported jurisdiction over the nationals of non-state parties. In addition, we must be mindful that the United States, more than any other country, would likely be subject to politically motivated charges before this Court.”

(Letter to UNA leader William Luers, 3 July 2001)

President Clinton: In signing, however, we are not abandoning our concerns about significant flaws in the Treaty. In particular, we are concerned that when the Court comes into existence, it will not only exercise authority over personnel of states that have ratified the Treaty, but also claim jurisdiction over personnel of states that have not. With signature, however, we will be in a position to influence the evolution of the Court. Without signature, we will not.

Signature will enhance our ability to further protect U.S. officials from unfounded charges and to achieve the human rights and accountability objectives of the ICC. In fact, in negotiations following the Rome Conference, we have worked effectively to develop procedures that limit the likelihood of politicized prosecutions.

For example, U.S. civilian and military negotiators helped to ensure greater precision in the definitions of crimes within the Court's jurisdiction.

But more must be done. Court jurisdiction over U.S. personnel should come only with U.S. ratification of the Treaty. The United States should have the chance to observe and assess the functioning of the Court, over time, before choosing to become subject to its jurisdiction. Given these concerns, I will not, and do not recommend that my successor submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied.

(Statement by the President on Signing the International Criminal Court Treaty, 31 December 2000)

KYOTO PROTOCOL

Protocol to the United Nations Framework Convention On Climate Change. The text of the Protocol was adopted at the third session of the Conference of the Parties to the UNFCCC in Kyoto, Japan, on 11 December 1997; it was open for signature from 16 March 1998 to 15 March 1999 at United Nations Headquarters, New York. By that date the Protocol had received 84 signatures. Those Parties that have not yet signed the Kyoto Protocol may accede to it at any time.

The Protocol is subject to ratification, acceptance, approval or accession by Parties to the Convention. It shall enter into force on the ninetieth day after the date on which no less than 55 Parties to the Convention, incorporating Annex I Parties which accounted in total for at least 55% of the total carbon dioxide emissions for 1990 from that group, have deposited their instruments of ratification, acceptance, approval or accession. Not signed by India and Pakistan, amongst others. Signed but not yet ratified by Australia, Belgium, Canada, China, European Community, France, Germany, Indonesia, Israel, Italy, Japan, Netherlands, Norway, Russian Federation, Spain, Sweden, United Kingdom and the USA, amongst others.

Comments

During the Conference of the Parties (COP6-bis) at Bonn (Germany), from 16 to 27 July 2001, the USA withdrew from the Kyoto Protocol.

Quotations

Australia

Environment Minister Robert Hill: “I would prefer to see the United States staying within the protocol and seeking to overcome some of its shortcomings.”

(Mixed signals over support for Washington's greenhouse stance, Andrew Clennell, Tuesday, April 3, 2001)

European Union

Environment Commissioner Margot Wallström: “The US must understand that this is not a marginal issue for the EU. It has implications for external relations including trade and economic affairs, and it cannot be played down.

[...]

We are still open to discuss their problems, but the outcome must be balanced and meet the commitments undertaken; we will not allow the US to dictate the whole process.”

(Commission reacts to US statements on the Kyoto protocol, IP/01/475 - Brussels, 29 March 2001)

“The European Union today expressed concern and disappointment to the United States Administration about the withdrawal of the US from the Kyoto Protocol. The Kyoto Protocol remains the framework for international efforts to combat climate change. The European Union remains committed to ratifying the Kyoto protocol by 2002 at the latest.”

(Joint Statement by the EU Presidency and the EU Commission, Washington, April 3, 2001)

Environment Commissioner Margot Wallström: “In all countries, climate change will be on top of the political agenda for a long time to come. By choosing not to be part of the process the United States will miss this opportunity. It will not only lose influence over the process, it will not be able to participate in international emissions trading.”

(Joint Statement by the EU Presidency and the EU Commission, Washington, April 3, 2001)

President of the European Commission Romano Prodi: “In Washington this week the U.S. administration confirmed to European Union representatives that America has indeed changed its mind about the Kyoto global warming agreement. The EU delegation made clear that Europe remains committed to making Kyoto work, and that efforts will continue, if necessary without the United States. We cannot afford to let the new American position cause stalemate, because in the

climate change talks there has always been one partner with whom we cannot negotiate - the climate itself. [...]

The message that the United States will not make an effort unless others much less able to do so make an effort as well, is shocking to European ears. [...]

We in the EU do not see a solution to the climate problem outside the Kyoto Protocol, and the European Union remains committed to it - with or without the United States."

(Europe Will Act on Warming Pact Despite the U.S., Friday, April 6, 2001)

France

President Jacques Chirac: "This European Council had important issues to deal with, and has allowed Europeans to make progress in a number of spheres and, above all, to affirm their unity, which is obviously essential. This was the case at our dinner on the first evening, Thursday, with the American President. We had a very free and indeed very pleasant conversation with him on what for us Europeans is an essential issue: the fight against global warming.

We stated our position clearly and unanimously and told him how just how essential we considered it is to implement the Kyoto Protocol, as scheduled. I hope that our unanimous determination will be taken on board."

(Joint Press Conference given by President Jacques Chirac, Prime Minister Lionel Jospin and Minister of Foreign Affairs Hubert Védrine, Göteborg, June 16, 2001)

Sweden

Kjell Larsson, Environment Minister: "Climate change is happening now and is a serious threat to the future of mankind. We are prepared if necessary to go forward without the US. We cannot allow one country to declare as dead the process for addressing this major global issue. However, we still hope to have the United States involved in the Protocol as soon as possible."

(Joint Statement by the EU Presidency and the EU Commission, Washington, April 3, 2001)

Kjell Larsson, Environment Minister: "We regret that President Bush continues to reject the Kyoto Protocol. Abandoning the Kyoto Protocol would mean postponing international action to combat climate change for years - and we are already late. We can not accept this. The EU ministers have therefore confirmed that they stand firm behind the Kyoto Protocol and are ready to proceed with the ratification of it. Without the US the Protocol will be less effective of course since they account for a large part of world emissions."

(EU Reaction to the speech by US President Bush on Climate Change, IP/01/821 - Brussels, 12th June 2001)

United Kingdom

Deputy Prime Minister John Prescott: "The U.S. must know that it cannot pollute the world while free-riding on action by everyone else."

(Further Fallout from Kyoto Decision, April 2001)

Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, Baroness Scotland of Asthal QC: "The lack of US commitment to the Kyoto Protocol is a huge disappointment. But it will not prevent the United Kingdom and the EU from continuing to work for ratification and entry into force. We must also seek ways to bring the United States on board sooner rather than later."

(Excerpt from a speech on UK-US relations, 2 May 2001)

United States

Paula Dobriansky, Under Secretary of State for Global Affairs: "Although the United States does not intend to ratify that agreement we have not tried to stop others from moving ahead as long as U.S. interests are not threatened. It does not change our view that the protocol is not sound policy."

(Reuters, What They Said At The Bonn Climate Conference, Netherlands, July 24, 2001)

OTTAWA TREATY

Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction. The convention prohibits anti-personnel mines, which are defined as mines designed to be exploded by the presence, proximity or contact of a person and which will incapacitate, injure or kill one or more persons.

Opened for signature on 3 December 1997. Entered into force on 1 March 1999.

Not signed by amongst others China, India, Israel, Pakistan, Russian Federation and USA.

Quotations

United States

State Department spokesman James Rubin: “The bottom line is, we cannot sign the Ottawa agreement for several reasons, ... including the Korea exception (and) the definition of an anti-personnel land mine and an anti-tank mine. So what we're going to do is focus in the (U.N. Conference on Disarmament) on trying to get the other countries in the world to live up to a regime that would prevent their export and production.”
(Inter Press Service News, Washington, 10 October 1997)

President Clinton: “It is one of the bitterest regrets of the last eight years that we didn't sign it.”
(Interview with the Ottawa Citizen, November 2000)

GENERAL QUOTATIONS ON US AND INTERNATIONAL TREATIES

United Nations

Fred Eckhard, spokesman for U.N. Secretary-General Kofi Annan: “I think, in general, what the Secretary-General hopes is that the United States can close ranks with the rest of the international community, not only on this Treaty [BCW], but on a number of the others where the United States is practically standing alone in opposition to agreements that were broadly reached by just about everyone else. That's probably going to be a slow process, but the hope is that eventually the consensus on these very important issues — global warming, small arms -- can be reached.”
(UN News Service, Daily Press Briefing By The Office Of The Spokesman For The Secretary-General, 25 July 2001)

United States

National security adviser Condoleezza Rice: [It is not] “isolationist to suggest that the United States has a special role in the world and should not adhere to every international convention and agreement that someone thinks to propose.”