



PRESS RELEASE
Michael Shank
202-546-3950, ext. 123
Mshank@globalsolutions.org

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IMMEDIATE RELEASE

U.S. Recognizes Counterproductive BIA Policy: Congress and President Bush to allow military aid to ICC member states

Citizens for Global Solutions welcomes Congressional passage of an amendment to the American Servicemembers Protection Act (ASPA) that recognizes the counterproductive U.S. policy toward ICC member states. Specifically the amendment exempts what senior military officials in the U.S. believe to be important international military education and training (IMET) aid from being cut to countries that are members of the Court. We also see as significant President Bush's Oct 2nd memorandum waiving IMET cuts to these 21 countries.

As of Fiscal Year (FY) 2005, the U.S. cut over \$17 million in IMET (International Military Education and Training) and FMF (Foreign Military Financing) to these countries spanning Europe to Latin America because they are members of the ICC and have refused to sign Bilateral Immunity Agreements (BIAs) with the U.S. All of these countries are recognized U.S. friends and allies, including Mexico, South Africa, and Serbia. According to the U.S. State Department itself, these denied funds were primarily intended for bilateral international terrorism and counter-narcotics trafficking programs in key geo-strategic regions. The Administration was therefore cutting off its nose to spite its face: it was prioritizing its ill-conceived BIA campaign over its own most vehemently stated foreign policy objective, namely winning the "war on terror."

As the congressional amendment and President Bush's waivers demonstrate, the U.S. government is beginning to re-evaluate its counterproductive BIA policy and work toward separating its ideological opposition to the ICC from its foreign aid policy with key allies and friends. By passing this amendment and issuing the waivers for IMET funds, Congress and the President have therefore taken a first step in the right direction, namely recognizing that strong arming tactics only serve to alienate U.S. friends and allies. ***To that end, additional, more comprehensive action by Congress and the Administration is necessary.***

Specifically, in addition to exempting IMET funds, Congress and the President must cease to withhold assistance of any kind to countries that have chosen to be a member of the ICC. One type of aid not addressed by the waivers or amendments is the Economic Support Fund (ESF). Disbursement of ESF is currently prohibited under the Nethercutt Provision in the Foreign Operations Appropriations Bill. As of FY 2006, 12 countries that have refused to sign a BIA with the U.S. are at risk of losing over \$75 million of ESF assistance including Ireland, Cyprus, Brazil, and Kenya. These funds are used for democratic governance, rule of law, and poverty alleviation programs, among other initiatives.

Citizens for Global Solutions believes that these amendments and waivers are a positive step but an ultimately insufficient solution: these actions must mark the beginning of a **comprehensive overhaul of the BIA campaign**. Regardless of the type or amount of aid cut or exempted, the U.S. must abandon its underlying policy of penalizing other countries simply for being members of the ICC. This court is of utmost importance to these countries. The U.S. must therefore find less alienating ways of addressing its concerns about the Court. We very much hope that these recent actions in Congress and by the President are indicative of this realization.

For more information, please visit our BIA Resource Center at www.globalsolutions.org/programs/law_justice/foreign_ops_2006.html, or contact Golzar Kheiltash, Legal Analyst for International Law and Justice, at gkheiltash@globalsolutions.org, or 202.546.3950, ext. 117.

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Notes to Editors:

Citizens for Global Solutions is a non-partisan membership organization that envisions a future in which nations work together to abolish war, protect our rights and freedoms, and solve the problems facing humanity that no one nation can solve alone.