

PRESIDENTIAL SHOWCASE PANEL
American Bar Association Annual Meeting
August 7-10, 2008
New York, NY

The International Criminal Court:
At Long Last, Should the United States Finally Join Or Just Say No?

On July 17, 1998, one hundred and twenty countries voted to adopt the Rome Statute, which outlined the establishment and structure of the International Criminal Court. Since then, over one hundred countries have ratified the treaty--with the notable exception of the United States.

Notwithstanding lack of official American support, the International Criminal Court is now a reality, having opened its doors in July of 2002. In the six years since then, it has considered cases involving human rights abuses in the Congo, Uganda, Central African Republic, and most recently, Darfur.

As the Court has evolved, the United States has not remained completely on the sidelines -- many of the cases have been brought with the assistance of American prosecutors and researchers. And in 2005, the United States abstained from the Security Council vote recommending ICC investigation of Darfur crimes, a move that many viewed as a softening of the Bush administration's opposition to the Court. Still, no steps have been taken towards U.S. ratification.

Few would question that since its inception, the ICC has hit the ground running, but can it keep up the necessary pace? Concerns about the ICC's resources, its enforcement authority, and the narrowness of its charging documents highlight the Court's limitations and, some would say, reveal a need for greater international support, and in particular, the support of the United States.

At this critical juncture in the Court's history, we will debate the Court's initial successes; its future; and whether its initial results and growing significance as an international institution warrant revisiting the issue of United States' ratification and participation.