the payment period typically provided by their vendors.

William J. Clinton

Statement on the Rome Treaty on the International Criminal Court

December 31, 2000

The United States is today signing the 1998 Rome Treaty on the International Criminal Court. In taking this action, we join more than 130 other countries that have signed by the December 31, 2000, deadline established in the treaty. We do so to reaffirm our strong support for international accountability and for bringing to justice perpetrators of genocide, war crimes, and crimes against humanity. We do so as well because we wish to remain engaged in making the ICC an instrument of impartial and effective justice in the years to come.

The United States has a long history of commitment to the principle of accountability, from our involvement in the Nuremberg tribunals that brought Nazi war criminals to justice, to our leadership in the effort to establish the International Criminal Tribunals for the former Yugoslavia and Rwanda. Our action today sustains that tradition of moral leadership.

Under the Rome Treaty, the International Criminal Court (ICC) will come into being with the ratification of 60 governments and will have jurisdiction over the most heinous abuses that result from international conflict, such as war crimes, crimes against humanity, and genocide. The treaty requires that the ICC not supersede or interfere with functioning national judicial systems; that is, the ICC prosecutor is authorized to take action against a suspect only if the country of nationality is unwilling or unable to investigate allegations of egregious crimes by their national. The U.S. delegation to the Rome Conference worked hard to achieve these limitations, which we believe are essential to the international credibility and success of the ICC.

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.

Nonetheless, signature is the right action to take at this point. I believe that a properly constituted and structured International Criminal Court would make a profound contribution in deterring egregious human rights abuses worldwide and that signature increases the chances for productive discussions with other governments to advance these goals in the months and years ahead.

Statement on Judicial Vacancies

January 3, 2001

The most fundamental right of American democracy is the right to equal justice under the law. Whenever our citizens knock on the door of justice, they have a right to expect a judge to answer. Unfortunately, too many courts around the country are in a state of emergency because of judicial vacancies. In these places justice is being delayed. The people's appeals are not being heard. That is simply unacceptable. That's why today I

renominated eight highly qualified appellate court nominees for vacancies that are considered by the U.S. Judicial Conference to be judicial emergencies.

They are Roger Gregory of Virginia, nominated to fill a vacancy on the United States Court of Appeals for the Fourth Circuit; Judge James Wynn of North Carolina, nominated for the fourth circuit; Enrique Moreno of Texas, nominated for the fifth circuit; Judge Helene White of Michigan, nominated for the sixth circuit—the longest waiting nominee; Kathleen McCree Lewis of Michigan, nominated for the sixth circuit; Bonnie Campbell of Iowa, nominated for the eighth circuit; Barry Goode of California, nominated for the ninth circuit; and James Duffy of Hawaii, nominated for the ninth circuit. Together, these nominees have waited a total of 4,757 days for Senate action—that's more than 13 years combined. Only one of them has even received a hearing. And two—the nominees from Hawaii and North Carolina—are from States with no current representation on the appellate court, even though under Federal law every State should have such representation.

It is my sincere hope that we can work with the Senate in a bipartisan spirit to get these nominees confirmed. The qualifications of these nominees are not in question. All of them are highly rated and respected. They also represent the kind of diversity that we all know enhances fairness and confidence in our courts.

In a nation that prides itself in the fair and expeditious rule of law, the people have a right to expect that judicial emergencies are treated with the urgency they demand. So, I urge the new Senate to give these nominees the simple up or down vote they deserve without further delay.

Message to the Senate Transmitting the Convention on the Safety of United Nations and Associated Personnel With Documentation

January 3, 2001

To the Senate of the United States:

I transmit herewith, with a view to receiving the advice and consent of the Senate to ratification, subject to an understanding and a reservation, the Convention on the Safety of United Nations and Associated Personnel adopted by the United Nations General Assembly by consensus on December 9, 1994, and signed on behalf of the United States of America on December 19, 1994. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

Military peacekeepers, civilian police, and others associated with United Nations operations are often subject to attack by persons who perceive political benefits from directing violence against United Nations operations. The world has witnessed a serious escalation of such attacks, resulting in numerous deaths and casualties. This Convention is designed to provide a measure of deterrence against these attacks, by creating a regime of universal criminal jurisdiction for offenses of this type. Specifically, the Convention creates a legal mechanism that requires submission for prosecution or extradition of persons alleged to have committed attacks and other offenses listed under the Convention against United Nations and associated personnel.

This Convention provides a direct benefit to United States Armed Forces and to U.S. civilians participating in peacekeeping activities by including within its coverage a number of types of operations pursuant to United Nations mandates in which the United States and U.S. military and civilians have participated in the past. If the United States were to participate in operations under similar conditions in the future, its forces and civilians would receive the benefits created by this instrument. The Convention covers not only forces under U.N. command, but associated forces under national command or multinational forces present pursuant to a United Nations mandate. In situations such as we have seen in Somalia, the former Yugoslavia, and Haiti, certain attacks on these associated forces would now be recognized as criminal acts, subjecting the attackers to prosecution in or extradition by any State that is a party to the Convention. As a result, the international community has taken a significant practical step to redress these incidents. In doing so, we recognize the fact that attacks