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Submission No.198.1.....

11 September 2001

Mr. Bob Morris
Inquiry Secretary
Joint Standing Committee on Treaties
Parliament House
CANBERRA 2600

Dear Mr Morris,

Many thanks for forwarding the Invitation to Comment on the Attorney-General's exposure draft on legislation to implement ratification of the Statute of the International Criminal Court.

While still of the belief that the Statute of the International Criminal Court is not in the best interests of Australia and Australians, it seems that, even though the majority of submissions opposed Australia's ratification, Parliament will pass the Bill and Australia will ratify.

This will be yet another step along the slippery path to losing our sovereignty and the rule of law which is invested in the various courts under the Australian legal system.

Having said that, I believe that any ratification of the Statute must be accompanied caveats of Australia's own choosing. I notice that some of the caveats of other ratifying nations are appropriate to Australia's stance, such as:

- **Egypt**

(a) The provisions of the Statute with regard to the war crimes referred to in article 8 in general and article 8, paragraph 2 (b) in particular shall apply irrespective of the means by which they were perpetrated or the type of weapon used, including nuclear weapons, which are indiscriminate in nature and cause unnecessary damage, in contravention of international humanitarian law.

(d) Article 8, paragraph 2 (b) (xvii) and (xviii) of the Statute shall be applicable to all types of emissions which are indiscriminate in their effects and the weapons used to deliver them, including emissions resulting from the use of nuclear weapons.

- **France**

1. *The provisions of the Statute of the International Criminal Court do not preclude France from exercising its inherent right of self-defence in conformity with Article 51 of the Charter.*

2. *The Government of the French Republic considers that the term 'armed conflict' in article 8, paragraphs 2 (b) and (c), in and of itself and in its context, refers to a situation of a kind which does not include the commission of ordinary crimes, including acts of terrorism, whether collective or isolated.*

3. *The situation referred to in article 8, paragraph 2 (b) (xxiii), of the Statute does not preclude France from directing attacks against objectives considered as military objectives under international humanitarian law.*

4. *The Government of the French Republic declares that the term "military advantage" in article 8, paragraph 2 (b) (iv), refers to the advantage anticipated from the attack as a whole and not from isolated or specific elements thereof.*
5. *The Government of the French Republic declares that a specific area may be considered a "military objective" as referred to in article 8, paragraph 2 (b) as a whole if, by reason of its situation, nature, use, location, total or partial destruction, capture or neutralization, taking into account the circumstances of the moment, it offers a decisive military advantage.*
5. *The Government of the French Republic considers that the provisions of article 8, paragraph 2 (b) (ii) and (v), do not refer to possible collateral damage resulting from attacks directed against military objectives.*
6. *The Government of the French Republic declares that the risk of damage to the natural environment as a result of the use of methods and means of warfare, as envisaged in article 8, paragraph 2 (b) (iv), must be weighed objectively on the basis of the information available at the time of its assessment."*

III. Declaration under article 124 "Pursuant to article 124 of the Statute of the International Criminal Court, the French Republic declares that it does not accept the jurisdiction of the Court with respect to the category of crimes referred to in article 8 when a crime is alleged to have been committed by its nationals or on its territory."

- **Israel**

The Government of Israel hopes that Israel's expressions of concern of any such attempt would be recorded in history as a warning against the risk of politicization, that might undermine the objectives of what is intended to become a central impartial body, benefiting mankind as a whole.

- **Spain**

Declaration under article 103, paragraph 1(b): Spain declares its willingness to accept at the appropriate time, persons sentenced by the International Criminal Court, provided that the duration of the sentence does not exceed the maximum stipulated for any crime under Spanish law.

These above examples are but a few samples of what might be included in an Australian caveat.

Attached as Appendix A is an article titled "Courting Global Tyranny" by William F Jasper of the American World

Yours sincerely

Appendix A to Submission to Joint Standing Committee on Treaties International Criminal Court

Courting Global Tyranny

by William F. Jasper

Everywhere throughout Rome these days the signs of construction and restoration are unmistakable: ancient monuments, temples, churches, and basilicas are shrouded in scaffolding and streets are blocked off to traffic as workmen paint, chip, clean, and pave. The furious renovation campaign is in preparation for the new millennium, which has been designated Europa 2000 by the European Union and the Year of Jubilee by Pope John Paul II.

But the most significant construction in the Eternal City this summer did not involve bricks and mortar, and was largely invisible to the millions of tourists who came to bask in the Mediterranean sun and the grandeur that is Rome. For five weeks during June and July, hundreds of delegates from 160 nations met at the United Nations Food and Agriculture Organization (FAO) complex to construct what advocates called "the last global institution to be created in this century": the International Criminal Court (ICC).

Contrived Consensus

Rome's socialist environment offered sympathetic venue for vast UN/ICC bureaucracy

Late on July 17th, the last day of the conference, following gruelling hours of high-pressure arm twisting, a global "consensus" was declared by the ICC Plenary Session, and the announcement was made that 120 nations had voted in favor of approving the new "Rome Statute of the International Criminal Court." Only the United States and six other nations — Israel, China, Libya, Qatar, Iraq, and Yemen — voted against the statute. Twenty-one nations abstained.

The new International Criminal Court will come into existence in The Hague once 60 countries have ratified the treaty. This is profoundly significant to all peoples who dwell on this planet, and especially to Americans, since the ICC claims universal jurisdiction to try individuals charged with genocide, war crimes, crimes against humanity, and aggression, anywhere on earth — **even if the supposed defendants are citizens of a nation that has refused to ratify the treaty and the alleged crime has taken place inside the boundaries of that nation.** This unprecedented claim of authority and the extension of treaty obligation to nonparty states is a truly audacious usurpation — even for the United Nations, which has grown increasingly brazen with each succeeding global summit. If allowed to stand — and to thrive and grow, as its champions intend — this Court will sound the death knell for national sovereignty, and for the freedoms associated with limited, constitutional government.

Of course, the issue of the Court's credibility absent U.S. participation, and the practical matter of enforcing ICC judgments against an unwilling U.S. (or against just about anyone else, for that matter, without U.S. support), has not been lost on all. "You cannot have a court of universal jurisdiction without the world's major military power on board," Netherlands delegate Gam Strijards was quoted as saying by the New York Times. "I won't say we gave birth to a monster, but the baby has some defects." The myopic Dutchman may see a defective baby, but any sober, rational evaluation of the ICC will confirm that the creature born in Rome is indeed a monster. Which is hardly surprising, inasmuch as it would be illogical to expect anything but a monstrous product to be produced by the monstrous process that was the Rome ICC conference.

Carefully Managed Forum

There is an old adage that those with weak stomachs should not watch sausage or legislation being made. That advice was especially true for the global confabulation which produced the ICC Statute. The Rome gathering was the culmination of a multi-year program of PrepComs (Preparatory Committee meetings) that had been carefully orchestrated to arrive at the contrived global "consensus" that is now being celebrated by the devotees of "world order." Far from the careful, deliberative process concerning narrow, tightly defined issues that typify most treaty negotiations between nations, the ICC summit was an exercise in managed chaos aimed at establishing an international criminal code that will be binding upon the entire planet. Yet all the redundant, pious platitudes about reverence for "the rule of law" could not hide the fact that this was truly a lawless conference in pursuit of lawless objectives.

Terra Viva, the official NGO (non-governmental organization) newspaper, noted in its first issue for the conference that "with more than 1,700 passages of the draft statute in brackets — indicating

disagreement among governments over wording — almost every issue central to the ICC's existence is still open for discussion." Kirsh: Conference chairman kept pace chaotic.

"Even by past standards of international treaties," the radical journal commented, "the draft statute ... is vague and runs to a hefty 166 pages in English." What this meant for conference delegates was an impossible task of trying to keep up with a dizzying deluge of endless text revisions, high-powered lobbying by NGO militants, and devious schedule manipulation by Conference Chairman Philippe Kirsch.

The conference organizers were taking no chances and had so blatantly stacked the deck in favor of the ICC that its creation was never seriously in doubt, despite the furious diplomatic theatrics and the frequent handwringing over a multitude of obstacles that supposedly threatened to scuttle the statute.

To begin with, by holding the conference in Rome, the ICC advocates were guaranteed not only the advantage of all the assistance which the left-wing Italian government would give, but the aid as well of a huge cadre of Italian professors and activists who have been among the most fervent apostles for establishing a global judiciary. Holding the conference at the FAO further guaranteed that the huge UN bureaucracy would be strategically positioned to assist in all phases of the event —

far more than if the summit had been held at a neutral venue.

To tilt the process even further, the conference was loaded up with delegates from UN agencies such as the International Law Commission, UNESCO, UNICEF, the UN Commission for Human Rights, the UN Commission on Crime, the UN Office for Drug Control, and intergovernmental organizations like the Council of Europe, the European Community, the International Committee of the Red Cross, Interpol, the Organization of African Unity, and the Organization of American States.

But by far the most dramatic development in Rome was the emergence of the NGOs as rent-a-mob power brokers in the increasingly sordid business reverently referred to at these gatherings as "evolving norms of international law." Paul Taylor, diplomatic editor for Reuters, sinned by understatement when he reported that "the enormous influence of NGOs inside the conference was one of the key features of the five-week Rome meeting." The incestuous relationship between the UN/ICC officials and the NGO radicals — and the flagrant connivance by the two forces to push the entire conference proceedings ever leftward — made a complete mockery of their sanctimonious paeans to justice, fairness, transparency, and the "rule of law."

Conference officials attempted to establish a moral imperative at the outset which posited that the ICC was essential not only to end the gravest of crimes but to restore the credibility of the UN and global institutions. "If we succeed," World Federalist William R. Pace told the ICC conference "it means the establishment of a court which will prevent the slaughter, rape, and murder of millions of people during the next century."

By keeping the conference rolling at a relentless pace and swarming the conferees with non-stop lobbying by militant NGO delegates, the organizers achieved a pressure cooker effect which wore down any resistance to the pre-ordained outcome. The Rome process provides an alarming look into the dreadful prospect of "the rule of law" under an unrestrained UN regime.

Vague and Dangerous

John R. Bolton, senior vice president of the American Enterprise Institute, in his July 23, 1998 testimony before the Senate Foreign Relations Committee, noted that even for genocide, the oldest among the crimes specified in the Statute of Rome, "there is hardly complete clarity in what it means." The ICC Statute contains the same definitions for genocide that are found in the Genocide Convention. Mr. Bolton observed: "When the Senate approved the Genocide Convention on February 19, 1948, it attached two reservations, five understandings, and one declaration. One reservation, for example, requires the specific consent of the United States before any dispute involving the U.S. can be submitted to the International Court of Justice. One of the understandings limits the definition of 'mental harm' in the Convention to 'permanent impairment of the mental faculties through drugs, torture, or similar techniques.' Another understanding provides that the Convention should not be understood to function automatically as an extradition treaty."

Even these legal protections are of dubious value in an organization replete with thugs, tyrants, kleptocrats, and mass murderers. In fact, by giving a sense of false security they served to dignify and make palatable a toxic substance which would otherwise have been rejected for the dangerous sham that it is. However, under the ICC regime even these dubious protections are not available. Article 120 of the treaty states emphatically, "No reservations may be made to this Statute." In order to ratify the Statute, the Senate would have to repudiate the positions it laboriously worked out to cover the obvious defects in the Genocide Convention — and then trust that parties who mean us harm will not make use of their ample opportunities to charge American citizens with "genocide."

"War crimes" and "crimes against humanity" are even more vaguely defined, and thus, fraught with even more danger. Under crimes against humanity, for instance, we have the crime of "persecution," which is defined as "the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity." Would an activist ICC judge have difficulty discovering in that definition the authority to strike down any laws — or even the policies of private religious bodies for that matter — that "deprive" homosexuals of their "fundamental rights"? Not likely. How about "other inhumane acts," such as "causing great suffering or serious injury to body or to mental or physical health"?

Similarly, under "war crimes," there are definitions sufficiently broad to drive a UN Panzer division through. Consider the hooks that could be devised with these crimes:

- "Willfully causing great suffering, or serious injury to body or health."
- "Killing or wounding treacherously individuals belonging to the hostile nation or army."
- "Committing outrages upon personal dignity, in particular humiliating and degrading treatment."
- "Intentionally launching an attack in the knowledge that such an attack will cause incidental loss of life or injury to civilians or civilian objects or widespread, long-term and severe damage to the natural environment...."

Can we really consider allowing a panel of UN judges to decide whether a U.S. military bombardment or other operation constitutes a crime of causing "great suffering" or "serious injury to health"? Can we truly contemplate allowing ICC "jurists" to determine if a Marine sniper or an Army patrol carrying out an ambush of an enemy force is guilty of "killing treacherously"? Is there a possibility that "outrages upon personal dignity" could be interpreted by an anti-American judiciary to our detriment? What shall constitute "knowledge" that an attack will cause "incidental loss of life or injury"? And what does "civilian objects" mean? If your mortar round overshoots and blows up a farmer's haystack are you guilty of a war crime? Probably so, if you're an American.

Vague "war crimes" definition would keep our soldiers in constant peril to prosecution

Still more disturbing is the ICC's claim to have jurisdiction over "internal conflicts" under the "war crimes" rubric concerning "armed conflicts that take place in the territory of a State when there is protracted armed conflict between governmental authorities and organized armed groups or between such groups." Imagine how that might be applied to the ongoing gang warfare in many of our cities, or a siege of rioting such as we experienced in Los Angeles and other cities a few short years ago.

Are these paranoid and frivolous objections, as the ICC's fervent backers claim? How can anyone think so? We have numerous decisions by our own activist federal judges, who claim to find a "constitutional" right to abortion, for example, lurking in the "penumbras formed by emanations from the Bill of Rights." Can anyone familiar with the record of the UN think that judges from Russia, China, Cuba, Iran — or even some of our supposed "allies" for that matter — would feel any more constrained against playing God than our own robed subversives?

Hotbed of Hatred

As one who was in Rome "at the creation," this reporter can attest firsthand to the fact that the longstanding hatred toward the United States by the vast majority of the pathetic regimes that comprise the UN menagerie is still alive and well. Day after day during the ICC conference the U.S. was subjected to tirades and condemnations — by official delegates as well as by NGOs — for past and present sins. In fact, from the non-stop anti-U.S. invective one might imagine that America is the principal, if not the sole, source of evil in the world. The billions of dollars that we have ladled out over the past half century to these countries and the UN itself have purchased us not an iota of good will.

There were calls for prosecuting Presidents Bush and Clinton for war crimes. The NGO "Society for Threatened Peoples" charged the U.S. with these past "war crimes": "Dropped 15 million tonnes of bombs in the Vietnam War, conducted air raids on Cambodia, supported Indonesia's annexation of East Timor, backed right-wing death squads in Guatemala in the early eighties."

Months before the Rome summit had even begun, the UN Commission on Human Rights had targeted the U.S. with a purely political attack alleging that this country unfairly applies the death penalty. The Commission report charged that the U.S. was in violation of the 1966 UN Covenant on Civil and Political Rights and called on the U.S. to suspend all further executions until U.S. state and federal laws were brought into compliance with "international standards and law."

Of course, we don't mean to imply that all of the U.S. bashing was emanating from Third World countries, communist satrapies, or UN agencies. Canada, Norway, Britain, Germany, Italy, and other European "allies" vied for top anti-U.S. honors, too. On the final day of the conference, when the very minimal objections of the U.S. to the ICC were soundly defeated, the assembled delegations erupted in a tumultuous and defiant display of anti-American jubilation — which was joined by much of the press corps — including "American" reporters.

Naturally, the U.S. NGOs topped all others in attacking their homeland. As Reuters reported, "the American NGOs were the scourge of the United States" at the conference. On July 8th, a Terra Viva headline, "Police Brutality Deeply Rooted in U.S.," announced the release of a Human Rights Watch report charging a national "epidemic" of police brutality. The 440-page report, entitled *Shielded From Justice: Police Brutality and Accountability in the United States*, was time-released for maximum effect on the conference. Human Rights Watch spokesman Richard Dicker seemed never to be satisfied if not hurling vitriol at the U.S. But that has not hindered him or his group from receiving hundreds of thousands of dollars in the past year from the Ford Foundation.

Open-Ended Aggression

It would be utterly foolish to imagine that this army of international rabble rousers masquerading as "human rights" champions will not seek to use the new ICC Statute principally as a weapon against America. But if the three "core crimes" offer opportunities for mischief because of fuzzy definition, what about the crime of "aggression"? The ICC Statute doesn't even offer a definition of this nebulous crime, but simply says that the world should blindly approve the Statute and trust in the benignant global servants to come up with a universally acceptable definition. Here, exactly, is what the treaty says, in Article 5, Section 2: "The Court shall exercise jurisdiction over the crime of aggression once a provision is adopted in accordance with articles 121 and 123 defining the crime and setting out the conditions under which the Court shall exercise jurisdiction with respect to this crime." Is that audacious enough for you?

It was audacious enough to surprise even many of the most rabid ICC advocates who, as a tactical maneuver, had written off the inclusion of aggression among the core crimes as simply unrealistic. Like many others, Hans Corell, UN Undersecretary-General for Legal Affairs, had argued that attempting to include aggression might jeopardize the whole package because the "crime of aggression is considerably more complex, since it is difficult to have a clear definition of what aggression is."

When Professor Benjamin Ferencz insisted that "aggression is a supreme international crime" and "supreme crime needs a Supreme Court," even Terra Viva argued that perhaps now was not the time to pursue that agenda. Noted the NGO journal: "Many feel that aggression is a nebulous legal concept. For example, some point out that the International Law Commission spent twenty years unsuccessfully trying to define it. In addition, they say, aggression is performed by governments, not individuals." Nevertheless, it is now part of the Statute. Obviously, the forces of Dr. Ferencz and Italian Foreign Minister Lamberto Dini (another radical advocate of including aggression) prevailed.

But to pile audacity on top of audacity and usurpation on top of usurpation, perhaps the crowning offense of the Rome summiteers is the insistence by its authors that once the magical number of 60 ratifying countries is achieved, the ICC becomes universally binding on the entire rest of the world. It is an astounding and unprecedented arrogation of power. Never before has the claim been made that states which are not party to a treaty are nonetheless bound by the same instrument. It is a violation of the most fundamental principle of treaty law. As the Vienna Convention on the Law of Treaties states, "A treaty does not create either obligations or rights for a third State without its consent."

Complementary Courts

This, naturally, did not matter a fig to the vainglorious globocrats on the Tiber as they set about crafting their own concept of "world law." Besides, they warbled, concerns of a runaway court are wildly chimerical. The principle of "complementarity" would protect against any such tendencies, they claimed.

That was the tune sung by European Commissioner Emma Bonino when she came to Washington in May to inoculate the Senate against fears of a usurpatious ICC. The Court "will not ... undermine national sovereignty," she pledged, and "is not designed to replace national courts but to complement them." Why, we have her word for it.

Likewise, World Federalist Association president John Anderson assured that there is nothing to worry about. "The principle of complementarity underlying the treaty assures that the court will hear a case only when no national court is available or willing to hear it," he insisted. "This policy would limit prosecutions to suspects whose national legal systems have broken down or are manifestly unjust." Canadian Justice Louise Arbour, who serves as the chief prosecutor of the Yugoslav Tribunal, is yet another distinguished "expert" who offered assurances and admonished the way that "an institution should not be constructed on the assumption that it will be run by incompetent people, acting in bad faith from improper purposes." The message from all the votaries of global justice was the same: trust us and our so-called "principle of complementarity." However, James Madison's principle of "prudent jealousy" seems to be more apropos here. "The freemen of America did not wait till usurped power had strengthened itself by exercise, and entangled the question in precedents," Madison observed.

"They saw all the consequences in the principle, and they avoided the consequences by denying the principle." Thomas Jefferson provided an important corollary in the form of this dictum: "In questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution."

A search of the ICC Statute yields no valid reason to prefer the advice of Bonino, Anderson, and Arbour over that of Madison and Jefferson. Indeed, Article 17 of the treaty asserts that a state is considered to have primary jurisdiction over a crime "unless the state is unwilling or unable genuinely to carry out the investigation or prosecution." And who will determine, under an ICC regime, when and whether a state is "unwilling" or "unable" and just how "genuine" its investigative or prosecutorial efforts are? The ICC judges, naturally.

The Court also claims (in Article 70) jurisdiction over "offences against its administration of justice," such as: "giving false testimony" or "impeding" or "intimidating" an official of the Court. Again, the ICC itself will determine what constitutes "impeding" or "intimidating." In the event of conviction for these administrative crimes "the Court may impose a term of imprisonment not exceeding five years, or a fine in accordance with the Rules of Procedure and Evidence, or both."

And where, pray tell, will the victims of ICC "justice" serve their sentences? Let's consult the Statute. Article 103 provides: "A sentence of imprisonment shall be served in a state designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons." A comforting thought, no? Even more solace might be drawn from Article 104, which states: "The Court may, at any time, decide to transfer a sentenced person to a prison of another state." In speaking of "states," the Statute is referring not to states of the U.S., of course, but to nations. Which means that one might be sentenced to prison in Cuba, Laos, Cambodia, Zimbabwe, Russia, Rwanda, etc., or even several of the above, in musical chair succession, so that your family, friends, and legal counsel might have not even the slightest idea of your location.

What's more, the Court has been given its own prosecutor with virtually unlimited *proprio motu* powers to investigate criminal cases on his own initiation, or to undertake cases that have been referred to his office by state parties, the Security Council, or NGOs. These assertions of authority and jurisdiction by the ICC are obviously in fundamental opposition to American law. Under our Constitution, only the states and federal government have the authority to prosecute and try individuals for crimes committed in the United States. Article III, Section 1 provides that the judicial power of the U.S. "shall be vested in one Supreme Court, and in such inferior Courts as Congress may, from time to time, ordain and establish." No judicial body or tribunal not established under the authority of the Constitution may exercise jurisdiction over citizens of the United States for real or pretended crimes committed in the United States. Nor may U.S. officials turn over U.S. citizens to a foreign government to be tried for alleged crimes in that country without a valid extradition treaty with that country.

Right to Jury Trial

The ICC Statute is not an extradition treaty and is so fundamentally irreconcilable to the U.S. Constitution and Bill of Rights that American participation in this misbegotten institution is legally and morally impossible. One of the most cherished rights of Americans that is threatened by the ICC is the right to a jury trial by one's peers. In the list of grievances brought against King George by our Founders in the Declaration of Independence we find:

- Combining with others to "subject us to Jurisdiction foreign to our Constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation."
- "[D]epriving us, in many cases, of the benefits of trial by jury."
- "[T]ransporting us beyond the seas to be tried for pretended offenses."

It seems we have come full circle and must fight that battle again. Our Constitution (Article III, Section 2) provides that the "trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed...." This right was deemed so important that it was repeated again in the Sixth Amendment of the Bill of Rights.

Justice Joseph Story, in his famous Commentaries on the Constitution of the United States (1833), observed: "The object of this clause is to secure the party accused from being dragged to a trial in some distant state, away from his friends, and witnesses, and neighborhood; and thus subjected to the verdict of mere strangers, who may feel no common sympathy, or who may even cherish animosities, or prejudices against him." Are we in less need of such protections today, especially considering the claims of the ICC and its adherents?

The Sixth Amendment also guarantees "a speedy and public trial." Under federal law, a speedy trial has been defined to mean that a defendant has the right to be brought to trial within 70 days. There is no such guarantee under the ICC statute. If we look to the Yugoslav Tribunal as a model — as the ICC proponents so frequently advise — we see the Tribunal Prosecutor arguing that five years is a

reasonable time for a defendant to wait in prison for a trial. Other ICC advocates cite the European Court of Human Rights as a model for the ICC. This international judicial body has ruled in various cases that pretrial detention of three, four, or even seven years, is acceptable.

Judicial Tyranny

All this dashes to pieces deceitful claims like John Anderson's statement in his letter in USA Today on July 20th averring that the "World Federalist Association supports a strong international court because we want to see the world as a whole approach the high standards of justice that operate in the United States." Quite clearly the ICC Statute represents not an embrace by "the world as a whole" of our "high standards of justice," but an attempt to impose on July 20th — and the U.S. — a global mechanism for judicial tyranny. And the ICC architects have made it abundantly clear that they have just begun. To the already conveniently elastic "core crimes" they have already proposed adding drug trafficking, arms trafficking, money laundering, terrorism, environmental and economic crimes, crimes against labor unions, embargoes, child pornography, and a host of other offenses.

Dr. Charles Rice, professor of law at Notre Dame University, has termed the ICC "a monster," both in concept and reality, noting that it effectively "repudiates the Constitution, the Bill of Rights, and the Declaration of Independence and cancels the 4th of July." "In our system," Professor Rice explains, "law is supposed to be a rule of reason which, in a sense, controls the state and compels the state to operate under the law." But the superjurisdictional ICC, he points out, has no legitimate basis for its claimed authority, no protections against abuses, no accountability, and virtually no limits to its jurisdiction. "What are the limits on the ICC?" he asks, and then answers, "There are none. It's insane!"

Insane, yes. And if the ICC architects have their way, the entire planet will soon become a global insane asylum — with the inmates in charge.

As Terra Viva plainly stated, "The issue now at stake is global governance." Precisely. "Global governance" is a hallowed term which poured forth in superabundance in the speeches, conversations and scribblings of the Rome conferees. Like "the rule of law," it is globospeak code for "world government," a term that the one-world cognoscenti have learned to avoid "because it frightens people." We have this directly on the authority of former Senator Alan Cranston (D-CA), a former national president of the United World Federalists and a member of both the Council on Foreign Relations (CFR) and the Trilateral Commission (TC). As a state legislator back in 1949, Cranston authored a resolution memorializing Congress to call a national convention to amend the U.S. Constitution to "expedite and insure the participation of the United States in a world federal government." But in a 1976 interview with the Institute for World Order, Cranston advised his one-world brethren to adopt semantic camouflage, since "the more talk about world government, the less chance of achieving it, because it frightens people who would accept the concept of world law."

And world law under a world government is exactly what Benjamin Ferencz, the eminence grise of the ICC conference, had in mind when he told conferees that "outmoded traditions of State sovereignty must not derail the forward movement," and "antiquated notions of absolute sovereignty are absolutely obsolete in the interconnected and interdependent global world of the 21st century."

Just the Beginning

Many Americans who watched the Rome summit with grave foreboding no doubt heaved an immense sigh of relief on learning of the Clinton Administration's vote against the ICC Statute and the apparent resolute opposition voiced by Senator Jesse Helms (R-NC) and others on the Senate Foreign Relations Committee. Indeed, it was comforting to hear the forceful statements of Senators Rod Grams (R-MN) and John Ashcroft (R-MO) at the July 22nd hearing of the Senate Foreign Relations Subcommittee on International Operations. Senator Grams, who chaired the hearing, stated: "This Court claims universal jurisdiction; in other words, the right to prosecute United States citizens even though the U.S. is not a party to the treaty the apparent resolute opposition voiced by Senator Jesse Helms (R-NC) and others on the Senate Foreign Relations Committee. Indeed, it was comforting to hear the forceful statements of Senators Rod Grams (R-MN) and John Ashcroft (R-MO) at the July 22nd hearing of the 's interests. The United States must aggressively oppose this Court each step of the way, because the treaty establishing the International Criminal Court is not just bad, it is dangerous."

And the danger has just begun. The world government partisans who have brought the ICC this far have invested too much and achieved too much to let up now. They, of course, hope to see the U.S. ratify and become fully entwined in the Court as soon as possible, but they are willing to take many years to achieve that objective, if necessary. However, with the Establishment media cameras dishing up fresh war crimes daily from Kosovo, and more numbing atrocities from Africa, the emotional hard-sell campaign to end "impunity" can be expected to escalate and to create a formidable momentum

on very short notice. President Clinton has been an avid proponent of the ICC since his first days in the Oval Office. His objections to the current ICC Statute — if real at all (which is highly doubtful) — do not concern the most fundamental constitutional, legal, and moral issues involved in this serious issue. At best they reflect his most current assessment of political expediencies. And those too can change very quickly.

Unfortunately, the biggest problem we face in this fight is the lack of dependable Republican opposition in the Senate. Even though some senators are expressing their unalterable opposition to the treaty as is, we can be sure from past experience that the gradualist war is already underway to convince them that the ICC is a fact, a fait accompli, one which we will have to recognize sooner or later, and that we might as well try to make the best of it. Our past experience with the Genocide Convention, GATT, NAFTA, WTO, and other internationalist programs indicates it will require a sustained and unyielding effort on the part of every partisan of freedom to keep the ICC monster caged. Ultimately, however, the only lasting solution is to get out of the United Nations completely and get the United Nations out of the United States.

Non-Governmental Organizations: The Pressure From Below

Pace: World Federalist was recognized leader of NGO coalition "We Won!" That was the jubilant headline of an article featuring the comments of NGO Coalition chieftain William Pace in the final ICC issue of Terra Viva on July 18th. "Never before have non-governmental organizations participated in such a dynamic and thorough fashion in the treaty-making process and, for this reason alone, the conference is a landmark," Pace crowed to the ICC delegates. "We hope that our comments, interventions, and expertise have been appreciated. We know that they have been effective because your Statute, or should I say our Statute, bears so many markers of NGO influence." Claiming leadership over "hundreds of non-governmental organizations representing civil society from all corners of the world," Pace pledged to keep his militant cadres actively working for state ratification. "As it has done in Rome," Pace vowed, "civil society will hold States to account and insist that the Statute come into force promptly."

The revolutionary role of the NGOs at the Rome summit is one of the biggest untold stories of that event. Ever since the 1992 Earth Summit in Rio de Janeiro, NGOs have been exercising more and more influence at UN conferences. But the Rome experience marked a watershed in the incredible evolution of NGO power. At the ICC Conference, the NGOs were given unprecedented access and privileges and accorded a status almost on a par with official state delegations. NGO experts and officials, inflamed with their own self-importance, regularly addressed the ICC Plenary Session as though they were official heads of state. They remonstrated, cajoled, and chastised the assembled plenipotentiaries to adopt NGO positions, which always argued for larger jurisdiction and more power for the Court. NGO briefing papers, reports, resolutions, press releases, and legal opinions flooded the conference. The NGO Coalition for an International Criminal Court (CICC) was given a large suite of offices within the FAO conference building itself so that the NGO activists — who outnumbered the official delegates — could overwhelm the conferees with good cop-bad cop lobbying tactics.

William Pace, Richard Dicker, and other NGO spokesmen incessantly reminded the world press and the assembled dignitaries that they were vested with the moral authority of "over 800 NGOs worldwide representing all sectors of global society." It was, of course, a gigantic confidence game; the NGO "diversity" amounted to a choice of your favorite flavor of socialism. Take your pick: Marxist, Leninist, Stalinist, Maoist, Trotskyite, Castroite, Gramsciite.

Certainly among the most influential of the NGOs was the Rome-based Transnational Radical Party (TRP), an openly Marxist organization that boasts Mayor of Rome Francesco Rutelli, Italian Prime Minister Romano Prodi, and European Commissioner Emma Bonino among its members, all of whom played prominent roles at the ICC confab. Together with its sister organization, No Peace Without Justice, the TRP and other NGOs organized daily demonstrations and panel discussions, in addition to ICC-related broadcasts on its radio program, Radio Radicale. As the host country and the nation with the largest delthe nati— 58 delegates, as compared to the next largest, the U.S., with 40 — Italy was in the driver's seat. The Prodi government and Mayor Rutelli gave every advantage to the NGO radicals, granting permission for streets to be blocked for marches and demonstrations and even allowing NGO militants to set up a continuous propaganda stage partially blocking the entrance to the FAO/ICC conference site. On July 14th (Bastille Day, of course) Mayor Rutelli granted the TRP and its CICC allies an especially rare privilege: a torchlight march through the Via Sacra (Sacred Way), a path through the temple ruins that reportedly has only been opened twice this century.

The Transnational Radical Party headquarters in Rome was the center for many NGO activities that spilled out of the FAO complex. That was where Judge Richard Goldstone, former prosecutor for the

UN war crimes tribunals for Rwanda and Yugoslavia, came to present a report promoting the ICC. Not surprisingly, it was produced by a task force Goldstone headed and which was sponsored by the left-wing Twentieth Century Fund. Accompanying Judge Goldstone was Morton Halperin, the notorious Marxist activist whom President Clinton attempted to place in a sensitive Defense Department post, but who now serves as vice president of the Twentieth Century Fund.

Halperin and Goldstone joined one-worlders Ben Ferencz, John Roper (Royal Institute for International Affairs), and Marino Busdachin (Secretary-General of No Peace Without Justice) at the TRP offices to help make the pitch for global governance. Halperin, a member of the Council on Foreign Relations and a longtime activist in the KGB-linked Institute for Policy Studies (IPS), scorned U.S. concerns about ICC prosecution of U.S. military personnel and advised that ICC participants push ahead for a treaty without the U.S. "The answer for the ICC might be to write off chances of US support for now, and wait for Washington to join later," Halperin told the Radical assemblage. "After all, it took 30 years for the U.S. to ratify the Genocide Convention," he said, arguing that it was preferable to wait and have a stronger treaty in that case.

And since the subject of the IPS has been broached, it should probably be mentioned that another of the leading NGO activists at Rome was Fabiola Letellier of Chile, who carries on the Marxist agenda of her "martyred" brother, Orlando Letellier. Orlando, it may be recalled, was a comrade with Halperin in the IPS network, where he served as an agent of Castro's secret police, the DGI — until he was killed by a car bomb in Washington, DC.

Amnesty International (AI), one of the largest and best-funded NGOs at the conference, was given a special temporary headquarters only one block from the FAO, along the famous Via Circo Massimo. There, at the monument of Giuseppe Mazzini, the Amnesty folks were allowed to block off the piazza and erect a giant tent, to serve as a staging area for their agitprop activities. As is all too common at events such as this, the global corporatists were only too willing to lend support; Sony Corporation and Volkswagen proudly proclaimed their sponsorship of the ICC effort in ads on the Amnesty International tent. On Saturday, July 4th, AI staged an "All Fall Down" event, in which several thousand demonstrators laid down on the Fori Imperiali, blocking traffic from the Colosseum to the monument of Vittorio Emanuele II.

Among the many other groups comprising the storied "diversity" of the NGO clique were: Parliamentarians for Global Action; European Law Students Association; Women's Caucus for Gender Justice; Caribbean Association for Feminist Research and Action; American Bar Association; International Federation of Lawyers; International Women's Rights Action Watch; Beyond Borders; the Carter Center; Lutheran World Federation; Maryknoll Society Justice and Peace Office; Center for Reproductive Law and Policy; National Association of Democratic Lawyers; OXFAM UK; Earth Action International; Pax Christi International; Sisterhood Is Global Institute; Global Policy Forum; Gray Panthers; Vietnam Veterans of America Foundation; Washington Office on Latin America; International Association of Democratic Lawyers; International Association of Judges; International Commission of Jurists; Women's Action Group; International Council of Jewish Women; World Council of Churches; and the World Order Models Project.

Of course, leading the clamorous cabal was the World Federalist Movement, whose representative, William R. Pace (CFR), ran the NGO show. The World Federalists, who have long advocated world government, clearly have mastered the art of demagoguery and mob control. However, they do not exercise their leadership by virtue of strategic vision, tactical genius, or moral suasion. They have been accorded the piper status by those who pay for the tunes. It costs a great deal of money to assemble a horde of activists, fly them around the globe, set them up with accommodations and entertainment in one of the most expensive cities in the world, and equip them with all the resources they need to effectively push a coordinated, prearranged agenda. Even more than at previous summits, the NGO "citizen lobbyist" campaign at Rome was completely the creation of the same old tax-exempt foundations — Ford, Rockefeller, Carnegie, MacArthur, etc. — and the UN agencies and intergovernmental entities like the European Commission. And providing the strategic leadership, as usual, were the Pratt House one-worlders of the Council on Foreign Relations.

— William F. Jasper

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Morris, Robert (REPS)

From: on behalf of Committee, Treaties (REPS)
To: HRobertDowney@aol.com
Subject: RE: (no subject)

Dear Robert

I have downloaded and printed the submission and attachments. As you are aware until the Committee authorises your submission for publication it remains confidential.

I will notify you when the Committee has authorised your submission.

Thank you for your interest in the inquiry

Bob Morris
inquiry Secretary

-----Original Message-----

From: HRobertDowney@aol.com [mailto:HRobertDowney@aol.com]
Sent: Tuesday, 11 September 2001 12:11 PM
To: jsct@aph.gov.au
Subject: (no subject)